

City of Goodyear, Arizona City Council Meetings Rules of Procedure



Adopted by Resolution No.

CITY OF GOODYEAR, ARIZONA
CITY COUNCIL MEETINGS
RULES OF PROCEDURE

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PURPOSE

These Rules of Procedure are to provide for the timely and orderly progression of Council meetings, and to comply with the Charter of the City of Goodyear, Article II, Section 19, which states: "The Council shall by ordinance determine its own rules and order of business and agenda requirements..."

STATEMENT OF POLICY

It is the policy of the City of Goodyear (City) to comply with all rules, regulations, charter, codes and statutes pertaining to open meetings.

SECTION 1. RULES OF PROCEDURE/AUTHORITY

1.1 PARLIAMENTARIAN

The City Attorney, or designee, shall serve as Parliamentarian for all City Council Meetings.

SECTION 2. PRESIDING OFFICER

2.1 PRESIDING OFFICER

As provided by the City Charter, the Mayor, or in the Mayor's absence the Vice-Mayor, is the Presiding Officer of all meetings of the City Council. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the City Clerk, whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

2.2 ROBERT'S RULES

The Council meetings will generally follow Robert's Rules of Order. The Presiding Officer, or Council by consensus, may suspend strict observance of these Rules of Procedure, other policies and procedures, and any applicable provision of Robert's Rules for the timely and orderly progression of the meeting. In the event of a conflict between these Rules of Procedure and Robert's Rules of Order, these Rules of Procedure shall govern.

SECTION 3. MEETINGS

3.1 MEETING DATES

No later than November 1 of each year, the City Clerk shall create a Council Meeting Calendar and submit it to Council for review and approval. The Council Meeting Calendar will be a listing of all expected Council meeting dates for the following calendar year. Meeting dates for Regular Meetings, Work Sessions and Special Meetings may be added or cancelled throughout the year to accommodate the business of the city.

Meeting times are established upon Council adoption of the Council Meeting Calendar.

Meeting locations will be on the agendas, which are posted to the City's website.

3.2 REGULAR MEETINGS

- A) The Council will generally hold Regular Meetings each month at City Hall Council Chambers located at 1900 N Civic Square, Goodyear, AZ 85395. Meetings are held for the purpose of discussion and/or action of the Council on various issues deemed necessary to further the business of the City. These meetings may provide for "Public Comments/Apearances from the Floor."
- B) In order to accommodate the business of the city, the City Clerk may adjust the date, time and/or location of any meeting, Councilmember schedules permitting, as long as 24-hours notice is given on the City's website, and the date, time, and location are listed in the published agenda.
- C) When the day for a Regular Meeting of the Council falls on a legal holiday, there will be no meeting on that date.

3.3 SPECIAL MEETINGS

- A) Special Meetings may be called pursuant to the City Charter for the purpose of timely conducting the city's business. The City Attorney, City Manager or City Clerk shall establish the date and time of the Special Meeting and notify the Mayor and Council.
- B) The City Charter allows for a Special Meeting to be called by the Mayor or by three Councilmembers. If a Councilmember would like to call a Special Meeting, the Councilmember should contact the City Manager or the City Clerk, who will then contact the other Councilmembers to determine that the required number has been met.

- C) Special Meetings are held for the purpose of presentations, discussion, or action of the Council on various issues as deemed necessary to further the business of the City. Special Meetings shall not provide for "Public Comments/Apearances from the Floor" or for the Pledge of Allegiance or invocation, unless the Special Meeting is taking the place of a Regular meeting.

3.4 WORK SESSIONS

- A) Members of the Council may convene Work Sessions at a time, date, and location noticed in the published agenda to conduct the business of the city.
- B) Work Sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration of the Council than may be possible at a Regular Meeting. No formal action of the Council may be taken at such meetings, other than general consensus or conveying direction to City staff for further action. These meetings shall not provide for "Public Comments/Apearances from the Floor" or for the Pledge of Allegiance or invocation.
- C) Work Session items may be included on a Regular Meeting or Special Meeting agenda to ensure items are reviewed timely.

3.5 EXECUTIVE SESSIONS

- A) As provided in A.R.S. 38-431 (2) an Executive Session is defined as; "a gathering of a quorum of members of a Public Body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03." It states that "Only individuals whose presence is reasonably necessary in order for the Public Body to carry out its Executive Session responsibilities, may attend the Executive Session." The City Attorney will determine if individuals will be permitted to attend telephonically or by other electronic means. Executive Sessions may be called as necessary to conduct the business of the city.
- B) Executive Sessions may be added to a Work Session, Regular Meeting or Special Meeting agenda. If the Executive Session is the only item, it will be placed on a Special Meeting agenda.

3.6 RECESSED MEETINGS

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

3.7 EMERGENCY MEETINGS

As provided for in Arizona Revised Statutes, the Mayor and Council may call an Emergency Meeting to discuss or act on an unforeseen issue where time is of the essence and sufficient time does not permit the required 24-hours posting notice before the meeting. Notice of an Emergency Meeting of the Mayor and Council will be posted no later than 24-hours following an Emergency Meeting. The Notice will include the Agenda and a brief but complete description of the nature of the Emergency. Emergency Meetings shall not provide for "Public Comments/Appearances from the Floor." The Minutes of the meeting shall reflect the reason for the Emergency Meeting.

3.8 MEETINGS TO BE PUBLIC

- A) With exception of Executive Sessions, all Regular, Special, and Work Session Meetings shall be open to the public. The Council shall vote to call an Executive Session in open session; however, any Executive Session discussions are not open to the public.
- B) All public meetings may be recorded or photographed by means of audio, video or photographic equipment provided that there is no interference in the orderly conduct of the meeting, and that said equipment is placed in designated locations to not impede the ingress or egress of those attending the meeting.
- C) Public comment ("Public Comments/Appearances from the Floor") is not taken at Work Sessions, Emergency Meetings, or Special Meetings, unless the Special Meeting has "Public Comments/Appearances from the Floor" listed on the posted Agenda or unless the called Special Meeting includes a public hearing or business item on the Agenda. Time permitting, public comment may be taken at Regular Meetings.

3.9 MINUTES OF COUNCIL MEETINGS

All requirements relating to the Minutes of Council Meetings shall be in conformance to the requirements set forth below and in state law:

- A) The City Clerk, or designee, shall attend all Regular Meetings, Special Meetings, Work Sessions, and Emergency Meetings for the purpose of taking minutes and may arrange for the audio and/or video

recordation of the meeting. The City Clerk may attend Executive Sessions, when necessary.

- B) Written Action Minutes shall be taken so that a brief accounting of the issues discussed, and actions taken is compiled and entered into the permanent record of the City and kept on file in the Office of the City Clerk. All public meetings may be recorded by means of audio or video technology. Recordings of public meetings will be retained for a period of time in accordance with the current State of Arizona Records Retention and Disposition Schedules.
- C) All Minutes of Council Meetings are deemed to be Public Records, with the exception of Executive Sessions, which, while they fall under the definition of, and are considered public records by State Statute, are deemed confidential and are only available under limited conditions or by Court Order. Minutes of Council Meetings, or the recordings of all open public meetings of the Council shall be available on the City's website by 5:00 p.m. on the third working day following each meeting, or as provided by Arizona Revised Statutes.
- D) Minutes of Executive Sessions shall be confidential, are maintained and secured by the City Clerk, and may be accessed only as provided by Arizona Revised Statutes and under strict overview of the City Attorney.
- E) Minutes and recordings of all Meetings are made available through the City's website or by public records request, except Executive Sessions.

SECTION 4. NOTICE AND AGENDA

4.1 POSTING AND DISTRIBUTION OF NOTICES AND AGENDAS

- A) The City Clerk, or designee, shall prepare all public meeting notices and agendas of the Council, and shall ensure posting of the meeting notices and agendas not less than 24-hours before the date and time set for said meetings in accordance with Arizona Revised Statutes.
- B) The City Clerk shall ensure that links are provided to the Mayor and Council, City Manager, City Attorney and department directors for all City Council meeting notices and Agendas, and any documentation provided for said meeting, not less than 24-hours prior to the meeting.
- C) Meeting notices and Agendas shall be posted on the City's website, and any other location that provides additional notice to the public, as established by policy of the Council.
- D) The Council may, by motion, direct and authorize the City Clerk to post or publish notices of meetings of the Council in additional locations to better inform the public.
- E) The City Clerk, not later than November 1 of each year, shall post the calendar of the Council Meetings for the following calendar year, stating the date, time, and place of the meetings, and where copies of the agenda may be obtained.

4.2 AMENDED AGENDAS

The City Clerk, or designee, may amend a published Agenda, but no less than 24-hours prior to the designated meeting, and only upon receipt of direction from the City Manager, City Attorney or Mayor, or to correct errors. Amended Agendas will indicate the date of the amendment as well as the reason for the amendment.

SECTION 5. AGENDA CONTENTS

5.1 ORDER OF BUSINESS

The Agenda shall be sequentially numbered by item with a brief description of business Agenda items which shall be considered and the recommended action. The City Clerk with direction by the City Manager shall determine the order of business on the agenda.

5.2 ACCESSIBILITY

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

The City of Goodyear is committed to providing access to all meetings for all members of the community. For anyone requesting special accommodations, please contact the City Clerk's office at 623-882-7830 or Arizona Relay (TDD) 7-1-1. Requests should be made as early as possible but must be made at least two business days prior to the start of the meeting. The Presiding Officer, or the City Council by consensus, may consider items out of sequence from the printed agenda.

POSTING VERIFICATION

This agenda was posted on DATE at TIME by xx. (initials of person posting the agenda)

5.3 ITEMS TO BE TAKEN IN ORDER

- A) The Presiding Officer, or the Council by consensus, may consider Items out of sequence from the printed Agenda.
- B) Action may be taken on all items listed for action on the Agenda. In the event of an emergency, action may be taken on items not listed on the Agenda; however, the subsequent action must be noticed in accordance with the Arizona State Open Meeting Law.

5.4 ROLL CALL/ATTENDANCE

The Presiding Officer shall acknowledge those Councilmembers present and ask for a motion to excuse or not excuse those Councilmembers absent for Regular Meetings and Special Meetings. For Work Sessions, the Presiding Officer shall note who is present and who is not. For all meetings, a quorum must be reached before continuing with items on the Agenda. A quorum of the Council is considered to be four (4).

5.5 COMMUNICATIONS

Staff may communicate information to the City Council through a brief (up to 10 minutes) presentation, if needed, to inform or prepare them for upcoming items, community activities, or recognize achievements, subject to City Manager approval.

5.6 PUBLIC COMMENTS/APPEARANCES FROM THE FLOOR/PUBLIC HEARINGS

- A) At the pleasure of the Mayor and Council, individuals may address the Council on any subject pertaining to or related to City business and within the jurisdiction of the Council.
- B) Call to the Public / Non-Agenda Items: Presentation of petitions, or public comments on Non-Agenda issues are heard under "Public Comments/Appearances from the Floor". All residents and interested parties will be limited to a maximum of three minutes to address the Council on a Non-Agenda item. The time limit may be waived at the discretion of the Presiding Officer. The Presiding Officer may also determine that in the interest of time, less time will be allotted to the Call to the Public and may reduce the number of minutes allowed per speaker. In order to comply with Arizona State Open Meeting Law, the Council may not discuss any issue not listed on the Agenda, except to thank the speaker, respond to personal criticism, request the item be placed on a future agenda, or direct City staff to address appropriately.
- C) Call to the Public / Agenda Items: Public comments on Agendized items can be made at the time each item is heard. All interested parties will be limited to a maximum of three minutes to address the Council. At the discretion of the Presiding Officer, this time may be adjusted. Applicants are limited to a total of ten (10) minutes for any presentation.
- D) All residents and interested parties wishing to speak before the Council shall fully complete a Speaker Card and, if possible, submit the card to the City Clerk, or designee, prior to the meeting being convened. These cards will be retained by the City Clerk in the official files according to retention schedules established by the Arizona State Library and Archives.
- E) The purpose of all public comments is to provide information and the speaker's views for Council consideration. It is not appropriate for the speakers to question directly, or debate the matter under consideration with City Staff, other speakers, the audience, or members of the Council. All comments shall be addressed through the Presiding Officer. For items on the agenda, after being

recognized by the Presiding Officer, Council may question the speakers, the applicant, or the applicant's representatives or City staff. Except when answering a direct question from a Councilmember, all remarks will be addressed to the Council as a whole, and not to individual Councilmembers.

- F) Proper decorum must be observed by members of the Council, by speakers in providing testimony and remarks, and by the audience. In order to conduct an orderly meeting, the Presiding Officer shall maintain control of the Meeting, and require speakers and the audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests, or other conduct which disrupts or interferes with the orderly conduct of the meeting. Public comments for specific agenda items, must pertain to that agenda item. Engaging in such conduct and failing to cease such conduct upon request of the Presiding Officer, will be grounds for ending a speaker's time at the podium or, at the direction of the Presiding Officer, for removal of any disruptive person from the meeting room.
- G) The Presiding Officer may limit the number of speakers heard on non-Agenda or Agenda topics at any single meeting to allow the meeting to proceed and end in a timely manner.
- H) The Presiding Officer may reduce the number of minutes allowed for each speaker.
- I) Exhibits, letters, petitions, and other documentary items presented or shown to the Council on a Public Hearing item become part of the record of the Public Hearing and a copy should also be submitted to the City Clerk.
- J) Any materials may be submitted electronically before the meeting to gyclerk@goodyearaz.gov or ten collated sets of written or graphic materials should be provided by the speaker prior to the commencement of the meeting to allow for distribution to the Council, key City staff, and a copy for the City Clerk to include in the public record of the hearing. Reduced copies (8 ½" X 11") of large graphic exhibits should be provided as part of the sets of materials for distribution as provided above. (Materials will be provided to the Council (7), City Attorney (1), City Manager (1), and City Clerk (1).)
- K) This requirement may be waived for signed petitions submitted by neighborhoods or other resident groups, although these groups are required to present the originals to the City Clerk for the record and are encouraged to provide copies as set forth above.

- L) At the conclusion of any public comments for non-agenda items, the Mayor or any Councilmember may take any or all of the following actions:
- Respond to personal criticism
 - Ask City staff to review matter
 - Ask that a matter be put on a future Agenda

5.7 CONSENT AGENDA

- A) The Consent Agenda includes items that are of such a nature that discussion may not be required or are items that have been previously studied by Council and/or a separate city advisory commission such as the Planning and Zoning Commission. These items may be adopted collectively in a single motion.
- B) There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council requests that an item or items be removed from the Consent Agenda for discussion. Council may ask a question about an item on the Consent Agenda without removal of the item from the Consent Agenda.
- C) The Mayor shall consider a motion and a second from the Council to approve the Consent Agenda matters and the Mayor and Council shall vote upon all matters contained within the Consent Agenda by a single vote of all members of Council present at the meeting and entitled to vote.
- D) The public may speak on a Consent Agenda item by submitting a speaker card to the City Clerk. If a speaker card is submitted on a Consent Agenda item, that item may be removed from the Consent Agenda, and acted on individually.
- E) Items removed from the Consent Agenda are considered in their normal sequence as listed on the Agenda, unless called out of sequence as provided under Section 5.3.

5.8 PUBLIC HEARINGS

Public Hearings will be grouped under one heading and will identify the following steps that will take place for each item.

- A) Open the Public Hearing
The Presiding Officer will announce the matter is set forth for a Public Hearing and will open the Public Hearing.
- B) City staff Presentation

The Presiding Officer will ask City staff to provide a presentation outlining the elements of the request and the City staff recommendation.

- C) Applicant Presentation (if applicable)
The Presiding Officer will then ask the Applicant, or Applicant's representative, if they wish to speak on their Application. The Applicant will have a total of ten (10) minutes to present, at the discretion of the Presiding Officer. In the interest of time, the Presiding Officer may ask that the Applicant not make their presentation until the Council discussion time.
- D) Public Comments
The Presiding Officer will ask if there are speaker cards and if anyone would like to speak. Anyone wishing to speak to the Council during this time must complete a Speaker Card and submit it to the City Clerk prior to the meeting. The Presiding Officer may call to the audience for any additional speakers. Speaker comments are limited to three minutes per speaker. The Presiding Officer may adjust the time to speak on any given item, based on the number of speakers or for other considerations. Only in-person comments received during the Public Hearing shall be noted for the record.
- E) Close the Public Hearing
The Presiding Officer will close the Public Hearing.
- F) Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Parliamentarian shall advise the Council in this regard.

5.9 BUSINESS

- A) At the time each Business Item is presented to Council, City staff will present the item. An Applicant, if applicable, may speak after the City staff presentation. The Presiding Officer will then call for public comments.
- B) After the call for public comments, the Presiding Officer will call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter and may ask City staff or the Applicant to clarify any statements previously made.
- C) Upon the conclusion of discussion, the Presiding Officer will call for action on the motion for the Business item.

5.10 INFORMATION ITEMS

Information items may be presented in the form of comments, commendations, reports on current events and presentations by Mayor, Councilmembers, or the City Manager. The Council may not propose, discuss, deliberate or take any legal action on the information presented, pursuant to A.R.S. 38-431.02.

1. Reports from the Mayor and Council
 - This may include current events and activities as well as requests for information or future agenda items.
2. Report from the City Manager
 - This may include updates from events, City staffing updates, update on legislative issues, clarification on items being requested by Council, and Manager's update on Council related matters.

5.11 EXECUTIVE SESSION

If an Executive Session is needed on the night of a Council Meeting, it may be added to the meeting Agenda. Executive Sessions are provided for in Section 3.5 above.

The following will be included when an Executive Session has been added to an agenda:

- ADJOURNMENT OF EXECUTIVE SESSION
- RECONVENE MEETING
- CONTINUATION OF BUSINESS (if there is additional business to hear)

5.12 ADJOURNMENT

The Public Meetings of the Mayor and Council may be adjourned as follows:

Unanimous Consent. The Presiding Officer shall formally adjourn the meeting by saying: "There being no further business to come before the Council, the meeting is adjourned."

5.13 PLACING ITEMS ON THE AGENDA

Items may be placed on an agenda for discussion and/or approval of the Council.

- A) City Councilmembers may request an item be placed on an agenda by submitting a written request to the Mayor, City Manager or City Clerk. This method requires two additional members of the Council to support the placement of the item on a future Council agenda.

- B) The Mayor may request an item be placed on the agenda by submitting the appropriate documentation to the City Clerk or the City Manager.
- C) The City Manager and City Attorney may place items on the agenda.

For Executive Session the following process will be used to place items on the agenda.

- A) The City Manager or City Attorney will notify the City Clerk that an item needs to be placed on an Executive Session agenda.
- B) Three Councilmembers may request an item be heard, in writing to the Mayor, who will forward the request to the City Clerk.
- C) The Mayor may request an item be heard by notifying the City Manager, City Attorney and/or the City Clerk.
- D) The City Clerk will send any requests to the City Attorney, verifying compliance with Arizona Revised Statutes, specifically, 38-431.03.
- E) The City Clerk may confer with the City Attorney regarding the appropriate language to be used on the agenda.

SECTION 6. PROCEDURES FOR CONDUCTING THE MEETING

6.1 CALL TO ORDER

The meeting of the Council shall be called to order by the Presiding Officer, (the Mayor or the Vice-Mayor in the absence of the Mayor). In the absence of both the Mayor and Vice-Mayor, the meeting shall be called to order by the City Clerk; whereupon the City Clerk shall immediately call for the selection of a temporary Presiding Officer.

6.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may debate as the Chair of the meeting, subject only to such limitations of debate as are imposed on all Councilmembers, and the Presiding Officer shall not be deprived of any of the rights and privileges of a Councilmember. However, the Presiding Officer is primarily responsible for the conduct of the meeting. If the Presiding Officer desires to personally engage in extended debate on questions before the Council, or to either move or second a motion, the Presiding Officer should turn the Chair over to the Vice-Mayor, or another Councilmember until action on the issue under discussion has been completed.

6.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate each question immediately prior to calling for discussion and/or the vote. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer may also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at Work Sessions or in Executive Sessions.

6.4 MAINTENANCE OF ORDER

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak unless that person has first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer.

6.5 VIRTUAL PARTICIPATION

The Attorney General's Office of the State of Arizona permits participation in a Council meeting by electronic means.

- A) When a member of the Council is unable to attend a meeting in-person and desires to participate in the meeting by telephone, computer and/or videoconference, the Councilmember shall be permitted to do so provided the Councilmember gives the City Clerk,

or designee, notice at least twenty-four (24) hours prior to the meeting.

- B) The meeting cover sheet or Agenda shall include the following:
"Councilmembers of the City of Goodyear will attend either in person or virtually."
- C) The City Attorney may on a case-by-case basis determine if there is a need for Executive Session participants to participate using electronic means. (i.e., teleconference, videoconference, etc.)
- D) Facilities will be used at the meeting to permit the public to observe and hear all virtual communications during Work Sessions, Special Meetings and Regular Meetings. Under no circumstances will the public be permitted to listen to Executive Sessions.
- E) The minutes of the meeting shall clearly set forth which Councilmembers are present in-person, and which are present by other means.

SECTION 7. GENERAL RULES FOR DECORUM AND ORDER

7.1 ORDER AND DECORUM

- A) Councilmembers: Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.
- B) Employees: City staff shall observe the same rules of procedure and decorum applied to members of the Council. The City Manager shall ensure that all City employees observe such decorum. Any City staff members, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer.
- C) Public: Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. Unauthorized remarks or demonstrations from the audience, such as applause, stomping of feet, whistles, boos, yells, and/or other demonstrations shall not be permitted by the Presiding Officer, who may direct a police officer to remove such offender/s from the room.

7.2 ENFORCEMENT OF DECORUM

Proper decorum is to be maintained during all meetings by the Council, City staff and guests. It is the responsibility of the Mayor, or any person acting as Presiding Officer of the meeting, to ensure compliance. A police officer or other City staff member present at the meeting may be empowered and directed by the Presiding Officer to remove from the meeting any person whose conduct is disorderly or disruptive.

7.3 POINTS OF ORDER

The Presiding Officer shall determine all Points of Order, as defined by Robert's Rules, subject to the right of any Councilmember to appeal to the whole Council. If any appeal is taken, the question (motion) shall be: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.

7.4 PROCEDURES IN ABSENCE RULES

In the absence of a rule herein to govern a point or procedure, Robert's Rules of Order, most recent edition, shall be used as a guide.

7.5 RULINGS OF PRESIDING OFFICER FINAL, UNLESS OVERRULED

In presiding over Council Meetings, the Presiding Officer shall decide all questions of interpretation of these rules, points of order, or other questions of procedure requiring rulings. The Presiding Officer may confer with the Parliamentarian on such decisions and interpretations.

7.6 APPEAL THE RULING OF THE PRESIDING OFFICER

As applies to Councilmembers, any such decision or ruling of the Presiding Officer shall be final. However, immediately following the Presiding Officer's ruling, as it applies to other Councilmembers, a motion and second to appeal the ruling can be made, and the ruling can be overridden or suspended by a majority vote of the Councilmembers present and voting. If not appealed, the Presiding Officer's ruling shall be binding and legally effective for purposes of the matter under consideration.

SECTION 8. ADDRESSING THE COUNCIL

8.1 PERSONS AUTHORIZED TO APPROACH COUNCIL DAIS AREA

During a Council Meeting, no person except City Staff shall be permitted within the area in front of the Council dais without the invitation or consent of the Presiding Officer.

8.2 MANNER OF ADDRESSING THE COUNCIL

Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, the speaker shall clearly state their name and if they are a resident of Goodyear for the record. Speaker cards may include the speaker's contact information, but due to privacy concerns, speakers are not required to state their physical address.

With two business days advance notice, special assistance for reasonable accommodations can be provided upon request. Please contact the City Clerk to request an accommodation to participate in any public meeting. Reasonable accommodations will be made upon request for persons with disabilities or non-English speaking residents.

8.3 ADDRESSING THE COUNCIL AFTER MOTION IS MADE

After the motion has been made, or after a Public Hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.

SECTION 9. MOTIONS

9.1 GENERAL INFORMATION ON MOTIONS

Certain actions are allowed per Robert's Rules of Order (Rules). The Rules are specific to what can be discussed (debated) and what motions can also be amended and the order in which the motions must be completed.

- A) A motion can be amended by the original mover and person who seconded without first having a vote on the original vote.
- B) A Motion to Amend shall be debatable only as the amendment. A motion can be done to amend the amendment, but a motion cannot be done to amend the motion to amend.
- C) An amendment must only modify the intent of the original motion.
- D) A substitute motion can be made on the same subject. This would be a motion that is different than the recommended action on an agenda item. If a motion to amend is on the table, with a second, a substitute motion can be made and has to be voted on prior to the motion to amend.
- E) Amendments shall be voted on first, then the main motion as amended.

9.2 PROCESSING OF MOTIONS

The Presiding Officer will ask for a motion and second to approve the recommendation before debate takes place. When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. The Presiding Officer may ask for a discussion prior to a motion and second. A motion that is made and fails to receive a second is considered as failed due to the lack of a second. A motion that has been made and seconded is a valid motion, and it shall be voted on by the Council and requires a simple majority to pass unless a higher standard is otherwise required by law. If the vote on the motion is tied or does not receive a simple majority vote, the motion will be deemed to have failed.

9.3 UNANIMOUS CONSENT

The Presiding Officer may use unanimous consent. Unanimous consent is used when opposition is not expected and is primarily used to recess to adjourn the meeting.

9.4 MOTION TO POSTPONE INDEFINITELY

A motion to postpone indefinitely is used to dismiss an item on the Agenda. This motion is debatable, and because it can be applied only to the agenda item being considered, it can only be made while the agenda item is immediately pending with a valid motion. This type of motion is commonly used to postpone an item until a more appropriate time. A motion to postpone indefinitely requires a motion and a second for it to be a valid motion. A valid motion to postpone indefinitely shall be voted on by the Council and requires a simple majority to pass. If the vote on the motion is tied the motion will be deemed to have failed.

9.5 MOTION TO TABLE

A motion to table enables the Council to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the Agenda item. A motion to table shall be undebatable and shall preclude all amendments or debate of the Agenda item under consideration. A motion to table requires a motion and a second for it to be a valid motion. A valid motion to table shall be voted on by the Council and requires a simple majority to pass. If the vote on the motion is tied, the motion will be deemed to have failed. If the motion to table shall prevail, the matter may be "taken from the table" at any time prior to the end of the meeting.

9.6 MOTION TO LIMIT OR TERMINATE DISCUSSION

A motion to limit or terminate discussion shall be used to limit or close debate on, or further amendment to, the valid motion under consideration. This is referred to as a "Call for The Question" and is the motion used to cut off further debate and discussion and to bring the Council to an immediate vote on the pending motion. A motion to limit or terminate discussion requires a motion and a second for it to be a valid motion, and it requires a two-thirds vote to pass. The vote will be taken by roll call or electronic tabulation. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken immediately on the pending motion.

9.7 MOTION TO AMEND

A motion to amend, or a "friendly amendment," is a motion to amend the valid motion currently under consideration. A friendly amendment represents a minor modification or change to the current valid motion and should not be related to a separate matter and should not modify the intent of the original motion. A member of the Council may request a friendly amendment, but the maker of the current valid motion and the member who seconded it must both agree with the friendly amendment in order for the current valid motion to be amended. If the maker of the original motion and/or the member who seconded it do not agree with the friendly amendment, the motion to amend will have deemed to have failed. A motion to amend can be used more than once for the same Agenda

item. Following any amendments to the motion, the Council will act on the motion.

9.8 SUBSTITUTE MOTION

A substitute motion involves a different action or recommendation than the current valid motion under consideration. In addition, a substitute motion could be a motion to amend that was not accepted by the maker and/or member that seconded the original motion. A member of the Council may make a substitute motion on the same Agenda item. If the substitute motion receives a second, it will become a valid motion. The substitute motion would be considered and voted on prior to the original motion. If the substitute motion is passed by the Council, then the original motion would not be heard. However, if the substitute motion is deemed to have failed, the Council would consider and vote on the original motion on the Agenda item.

9.9 MOTION TO CONTINUE

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

SECTION 10. VOTING PROCEDURE

10.1 CASTING A VOTE

- A) In acting upon every motion, the vote shall be taken by casting a yes ("Aye") / no ("Nay") vote by mechanical, electronic, voice, roll call or any other method or means as determined by the Presiding Officer, by which the vote of each member of the Council can be clearly ascertained.
- B) Arizona Revised Statutes require that each Councilmember's vote on any motion/action be listed in the minutes. The record also shall include the names of any Councilmember not casting a vote by reason of being absent from the meeting at the time of the vote.
- C) If a Councilmember has declared a Conflict of Interest on an Agenda item, the City Clerk shall include "Recused" as the status and, if the Councilmember has stated the reason, include it in the official minutes as part of the results of the vote.
- D) In the case of an abstention from a vote, the Councilmember shall disclose on the record the specific interest that requires the Councilmember to abstain from voting. However, abstention is not allowed by City Charter (Article II, Section 21), with the only exceptions being matters of their own official conduct or for a conflict of interest as set forth by statute.
- E) If the roll call method of voting is used, the City Clerk shall call the names of all Councilmembers as follows: starting with the Vice-Mayor then Councilmembers shall be called upon to vote initially in seniority order, and then rotating with each new vote. The Presiding officer shall be called last. Councilmembers shall respond "Aye" or "Nay."
- F) Providing for an alternative means of casting votes in certain matters.

Notwithstanding the general requirement that votes be by "Aye" or "Nay," in cases where applicable law expressly permits the City to approve or to disapprove or to make no recommendation on a particular matter submitted for consideration, any motion made for action on that matter shall be presented in such form as will permit Councilmembers to vote by stating one of the following: "Approval," "Disapproval," or "No Recommendation."

If a majority of those present and voting indicate "Approval," the action will be deemed approved. If a majority of those present and voting indicate "Disapproval," the action will be disapproved. If neither approval nor disapproval is supported by a majority of those

present and voting, the Council will be deemed to have made "No Recommendation."

10.2 FAILURE TO VOTE

- A) All members of the Council, in attendance of a duly called meeting that requires formal action, are required to vote, pursuant to Article II, Section 21 of the Goodyear City Charter, unless the issue involves the conduct of the Councilmember or a declared conflict of interest.
- B) Should a Councilmember fail to vote, the Councilmember's "vote" shall be counted with the majority of votes cast; however, in the event of a tie vote, the Councilmember's vote shall be counted as "Nay."

10.3 RECONSIDERATION

Any member of the Council who voted with the majority may move for a reconsideration of any action at the same or next available meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council. When an Ordinance, put on final passage, fails to pass, no motion to reconsider shall be considered within twenty-four (24) hours of the vote on the Ordinance.

10.4 TIE VOTES

A motion resulting in a tie vote for adoption is a failed motion. When all Councilmembers are present, a Tie Vote on whether to grant an appeal from official action shall be considered a denial of such appeal, unless Council takes other action to further consider the matter.

SECTION 11. DEFINITIONS

AGENDA: As set forth in the Order of Business, an Agenda is a formal listing of items to be considered by the Council at a noticed meeting of the Council. The Agenda may not be changed less than 24-hours prior to the public meeting.

COUNCIL PACKET: A compilation of documents supporting the items listed on the Agenda and requiring Council Action, which may be used by Council, City staff, and the public for more in-depth information than may be presented in an oral report. The Council Packet is organized as set forth in the Order of Business in the Rules of Procedures; and is provided or made available to the Council and the public, according to Council Policy.

MEETINGS: A Meeting is the gathering, in person or by technological means, of a quorum of members of the Council, at which the Council discusses, proposes or takes legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record and in the absence of the Presiding Officer, the City Clerk will adjourn the meeting.

NOTICE: A formal announcement to the public that sets forth the name of the Council, date, time and place for which a meeting of the Council will be held. Giving formal notice of meetings is done as provided by Statute, Charter, City Policy, or other Rules or Regulations of the Council.

ORDINANCE: An Ordinance is a Council Action setting forth a rule of public conduct that is considered long-term. Long-term rules include zoning issues, annexations, abandonments, laws of the City, etc. The Ordinance, in addition to being referenced by number and brief title in the Minutes, will be maintained in a numerical sequence as a permanent record of the City. Effective dates of Ordinances shall be as provided by law.

QUORUM: The minimum number of members of the Council that must be present in order for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

RESOLUTION: A Resolution is a more formal form of a motion normally utilized to set forth policy of the City. The Resolution, in addition to being referenced by number and brief title in the Minutes, will be maintained in a numerical sequence as a permanent record of the City. Resolutions are used for various reasons, for example, when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be provided by law.