



NOTICE OF WORK SESSION

In accordance with Section 38-431.01 of the Arizona Revised Statutes of the State of Arizona, notice is hereby given to the Members of City Council and to the general public that the Mayor and Council of the City of San Luis, Arizona, will hold a Work Session meeting at 6:00 p.m., Wednesday, December 7, 2016. The Work Session will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349. Everyone from the public is invited to attend the open meeting.

In accordance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973, the City of San Luis does not discriminate on the basis of disability in the admission of or access to, or treatment of employment in its programs, activities, or services. For information regarding rights and provisions of the ADA or Section 504, or to request reasonable accommodations for participation in City programs, activities or services contact: ADA/Section 504 Coordinator, City of San Luis Human Resources Department, 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the City Council are audio and/or video recorded, and, as a result, proceedings in which children are present may be subject to such recordings. Parents in order to exercise their rights may either file written consent with the City Clerk to such recordings, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the City will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

THIS NOTICE IS GIVEN BY:

/s/ Sonia Cornelio, City Clerk

AVISO DE SESION DE TRABAJO

De acuerdo con los Estatutos del Estado de Arizona A.R.S. §38-431.01, se le informa a los miembros del Cabildo y al público en general que el Alcalde y el Cabildo, tendrán una Sesión de Trabajo a las 6:00 p.m., el día Miércoles, December 7, 2016. La junta se llevará a cabo en la Sala del Cabildo, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349. El público está cordialmente invitado a la junta.

De acuerdo con el Acta de Americanos con Discapacidades y la Sección 504 del Acta de Rehabilitación del 1973, la Ciudad de San Luis, Arizona no discrimina por causa de discapacidad la admisión y acceso a sus programas, actividades, servicios o en el trato en cuanto a empleo. Para más información referente a derechos y provisiones del Acta de Americanos con Discapacidades o Sección 504, o para solicitar adaptaciones que sean razonables para la participación en programas, actividades o servicios de la Ciudad, contactar al: Coordinador del Acta de Americanos con Discapacidades/Sección 504, Departamento de Recursos Humanos de la Ciudad de San Luis, Arizona, ubicado en el 1090 E. Union Street, San Luis, Arizona, 85349; (928) 341-8520.

Por medio de este aviso y de acuerdo con los Estatutos del Estado de Arizona A.R.S §1-602.A.9, sujeto a ciertas excepciones reglamentarias, los padres de familia tienen el derecho de dar el consentimiento ante el Estado o cualquiera de sus subdivisiones políticas para hacer una grabación de audio o video de su hijo menor de edad. Las juntas del Cabildo se graban en audio y/o video y como resultado, el hecho de que haya menores presentes puede ser sujeto a que sean grabados. Para que los padres de familia puedan ejercer sus derechos pueden dar el consentimiento por escrito con la Secretaria de la Ciudad a tal grabación, o tomar acción personal para asegurarse que su hijo menor no esté presente cuando la grabación se lleve a cabo. Si un menor de edad está presente en el momento de la grabación, la Ciudad asumirá que los padres de familia están cediendo los derechos sobre una posible grabación de acuerdo con los Estatutos del Estado de Arizona A.R.S. §1-602.A.9.

ESTE AVISO ES DADO POR:

/f/ Sonia Cornelio, Actuaría de la Ciudad



AGENDA
Work Session
San Luis City Council
San Luis Council
Chambers
1090 E. Union Street
San Luis, AZ 85349
December 7, 2016
6:00 p.m.

MEMBERS OF THE CITY COUNCIL WILL ATTEND EITHER IN PERSON, TELEPHONE, OR VIDEO CONFERENCE COMMUNICATION

- 1. CALL TO ORDER/ROLL CALL**
- 2. DISCUSSION ITEM:**
 - 2. A.** Joint Work Session with the Planning & Zoning Commission on any and all matters regarding presentation and discussion on the Open Meeting Law, Conflicts of Interest and various laws on conduct of public office. **(Ray Urias, Attorney)**
- 3. ADJOURNMENT**

IN THE EVENT A MAJORITY OF THE COUNCIL IS NOT PRESENT, AN INFORMAL WORK SESSION MAY BE HELD.



AGENDA ITEM REVIEW FORM

Work Session (Open Meeting Law)

2. A.

Meeting Date: 12/07/2016

Department Head: Sonia Cornelio, City Clerk, City Clerk's Office

Submitted By: Sonia Cornelio, City Clerk, City Clerk's Office

Action Requested: Discussion Item - No Action to be Taken

ITEM:

Joint Work Session with the Planning & Zoning Commission on any and all matters regarding presentation and discussion on the Open Meeting Law, Conflicts of Interest and various laws on conduct of public office. **(Ray Urias, Attorney)**

SUMMARY:

Ray Urias, Retired Principal Assistant City Attorney of Yuma, will present to the Mayor and City Council and the Planning & Zoning Commission the Open Meeting Law, Conflicts of Interest and various laws on conduct of public office.

RECOMMENDATION / SUGGESTED MOTION:

Discussion item only, no action.

Supporting information not attached to the Agenda Item Review Form:

N/A

Document to be Recorded?: No

N/A

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM: NO

CITY/STATE/FEDERAL FUNDS: N/A

TOTAL: N/A

BUDGETED: N/A

AVAILABLE TO TRANSFER: N/A

GL ACCT # & NAME/REMAINING BALANCE BEFORE PURCHASE: N/A

FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

There is no fiscal impact associated with this item.

Attachments

AZ's Open Meeting Law & Conflict of Interest

Legal Action Quotes

Public Meetings vs. Public Hearings

Executive Sessions

Packet Handout

City of San Luis, Az Open Meeting Law & Conflict of Interest



By: Ray Urias, Attorney

- 
- Open Meeting Law
 - Conflict of Interest
 - Other State Statutes – Public Officials

Arizona's Open Meeting Law

- All business must be conducted in open meeting
- Must tell the public about upcoming meetings:
“Notice”
- Must have a written agenda 24-hours in advance
- Cannot discuss issues not on the agenda
- Serious penalties for violation

Public Meetings vs. Public Hearings

- Public Meeting:
 - Public allowed to attend and listen
 - No requirements that public participates and addresses the public body
- Public Hearing:
 - Public Allowed to attend, listen AND SPEAK
 - Certain actions require public input by statute

Meetings, Notices and Agendas

Five W's:

- Who:** San Luis City Council
- What:** Regular Council Meeting
- Where:** San Luis Council Chambers (title from agenda)
1090 E. Union Street, San Luis, AZ
- When:** Wednesday, November 16, 2008, 7:00 pm
- Why:** Items listed on the agenda

Conflict of Interest

- State Statutes govern City officials
- A.R.S. 38-501 thru 38-511
- Legal definition
 - Remote interest (not a conflict)
 - Substantial interest (conflict)
- How to declare a conflict
 - Disclose conflict
 - Remove self from dais
- Penalties for violation

Conflict of Interest

- Purpose
 - Prevent self dealing by Public officials
 - Remove or limit influences on official decisions
 - Discourage deliberate dishonesty
- Who's Covered
- A.R.S. 38-503
 - Contract, sale, purchase or service shall refrain (self or relative)
 - A decision of the agency (self or relative)
- A.R.S. 38-504.C
 - Improper influence on official duties

Conflict of Interest

- What is “relative”
- Substantial Interest
 - Not a remote interest (list)
- What to do if you have a conflict
- Use of confidential information/use of position for personal gain
- Penalties

Other State Statutes – Public Officials

- A.R.S. 38-296
 - Running for another public office
- A.R.S. 38-296.01
 - Running for multiple public offices
- A.R.S. 9-304
 - Restriction on compensation
- A.R.S. 38-444
 - Receiving illegal gratuities

Legal Action Quotes

Legal action, as defined in this section extends beyond mere formal act of voting; discussions and deliberations by governing body members prior to final decision are an integral and necessary part of any “decision, commitment or promise” and are included within the definition of “legal action”. Op. Atty. Gen. No. 75-8, p.55, 1975-76.

Deliberations by a majority of a public body in respect to a matter that foreseeably could come to a vote by that body constitutes “legal action” for purposes of the open meeting law. Valencia v. Cota (App. Div. 1 1980) 126 Ariz. 555, 617 P.2d 63. Municipal Corporations 92

Public Meetings vs. Public Hearings

The terms “public meeting” and “public hearing” are often used interchangeable but do not have the same legal meaning. Below is a brief explanation of the differences.

Public Meetings:

- The public must be allowed to attend and listen to deliberations and proceedings (A.R.S. § 38-431.01 A)
- There is no right established in the open meeting law for the public to participate or address the public body. (Ariz. Atty Gen. Op. 78-1)

Public Hearings:

- By statutory authority certain actions of the public body require allowing input from the public. These are generally referred to as a “Public Hearing”.
- As an example, Arizona Revised Statutes, Section 9-461.06, relating to adoption of general plans, states as follows: “...shall hold two or more public hearings at different locations within the municipality to promote citizen participation.”

Executive Sessions

Generally, the state open meeting law (sometimes referred to as the “sunshine” law) requires that all meetings, with a few limited exceptions, be open to any person who desires to attend. Meetings that can be closed to the public are outlined in the statutes as executive sessions; some of the major points are listed below.

Executive Sessions:

- Closed to the general public
- Can only be for seven specified reasons:
 - Personnel matters
 - Records exempt from public inspection
 - Legal advice from public body’s attorney
 - Discussion regarding pending litigation
 - Negotiations with labor unions
 - Negotiations with a tribal council
 - Real estate transactions
- Only those persons necessary for the discussion may be present in Executive Session
- Discussion must be kept confidential
- No final action allowed

38-296. Limitation on filing for election by incumbent of elective office

A. Except during the final year of the term being served, no incumbent of a salaried elective office, whether holding by election or appointment, may offer himself for nomination or election to any salaried local, state or federal office.

B. An incumbent of a salaried elected office shall be deemed to have offered himself for nomination or election to a salaried local, state or federal office on the filing of a nomination paper pursuant to section 16-311, subsection A. An incumbent of a salaried elected office is not deemed to have offered himself for nomination or election to an office by making a formal declaration of candidacy for the office.

C. The resignation of the incumbent elective officer duly filed in writing with the officer, board or commission having jurisdiction of the office, if not accepted within ten days, shall be deemed to have become effective as of the date of filing.

D. This section shall not be construed to prohibit a person whose resignation from office has become effective from qualifying as a candidate for another office during the unexpired portion of the term affected by the resignation, nor shall it apply to any incumbent elective officer who seeks reelection to the same office or to any other public office during the final year of the term to which the person has been so elected.

E. A person violating any provision of this section is guilty of misfeasance in office, and the office held by such person shall be declared vacant.

38-296.01. Limitation on running for multiple offices

A. A person is not eligible to be a candidate for nomination or election to more than one public office if the elections for those offices are held on the same day and if the person would be prohibited from serving in the offices simultaneously.

B. A person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously in more than one statewide office.

C. A person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously in more than one legislative office.

D. A person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously in both a legislative office and a statewide office.

E. A person is not eligible to be a candidate for nomination or election to and is not eligible to serve simultaneously on more than one school district governing board, except that a member of a governing board may be a candidate for nomination or election for any other governing board if the member is serving in the last year of a term of office.

9-304. Compensation of alderman or councilman; failure to comply; classification

A. No mayor, alderman or councilman of any city or town shall, during the term for which he has been elected, knowingly accept, take or receive for his own use from the city or town, any money or other thing of value other than that which is provided to be paid him for his services as such.

B. A person who violates any provision of this section is guilty of a petty offense, and his office shall be forfeited.

C. The fine as provided in subsection B shall be deposited in the school fund of the county in which the city or town is located

38-444. Asking or receiving illegal gratuity or reward; classification

A public officer who knowingly asks or receives any emolument, gratuity or reward, or any promise thereof, excepting those authorized by law, for doing any official act, is guilty of a class 6 felony.