



NOTICE OF SPECIAL COUNCIL MEETING

In accordance with §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 public that the Mayor and Council of the City of San Luis, Arizona, will hold a Special City Council meeting at 6:30 p.m., Tuesday, November 24, 2020. The meeting will take place at the City Council Chambers, located at 1090 E. Union Street, San Luis, Arizona, 85349.

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 recording. Parents in order to exercise their rights may either file written consent with the City Clerk to such recording 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/ Melissa Lopez, Deputy City Clerk

AVISO DE JUNTA ESPECIAL

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 Junta Especial a las 6:30 p.m., el día Martes 24 de Noviembre del 2020. La junta se llevará a cabo en la Sala del Cabildo, ubicada en el 1090 E. Union Street, San Luis, Arizona, 85349.

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/ Melissa Lopez, Asistente a la Actuaría de la Ciudad



AGENDA
Special Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
San Luis, AZ 85349
November 24, 2020
6:30 p.m.

The November 24, 2020 Special Council meeting, for the safety of the public during the COVID-19 pandemic, will not have in-person attendance for members of the public. However, members of the public may listen to the meeting's live audio stream on the City of San Luis website <https://sanluisaz.gov/listenlive>. Recordings of the meetings will be available on the City's website <https://sanluisaz.gov/listenlive> after the meeting.

Public comment will be limited to Agenda Item 6. C. A public hearing on any and all matters regarding the Application for Extension of Premises/Patio Permit-La Bodega Kitchen and Bar; and Agenda Item 7. A. Variance Case No. 2020-0618. A request by Sign Masters of Yuma, LLC, on behalf of Regional Center for Border Health, to reduce the setback on a sign from 12 feet to 3 feet for San Luis Medical Mall located at 151 S. Oak Avenue, San Luis, Arizona. The city will receive public comments by email cityclerksoffice@sanluisaz.gov for City Council's consideration any time before the meeting and during the meeting, which is scheduled to start at 6:30 p.m. on Tuesday, November 24, 2020. Any email comments received will be read aloud into the record.

Open meetings conducted remotely through technological means are permissible under the March 13, 2020, Arizona Attorney General opinion titled, "Re: Concerns Relating to Arizona's Open Meeting Law and COVID-19" and following the Mayor's March 18, 2020, Continued Declaration of Emergency and Amended Order-Coronavirus Disease-19 and City Council's Order 2020-7 which closed all city buildings and facilities (except the Municipal Court) to public access.

Por la seguridad del público durante la pandemia COVID-19, no habrá asistencia en persona para los miembros del público en la junta especial del Cabildo del 24 de Noviembre del 2020. Sin embargo, los miembros del público pueden escuchar el audio en vivo de la reunión transmitido en el sitio web de la Ciudad de San Luis <https://sanluisaz.gov/listenlive>. Las grabaciones de las reuniones estarán disponibles en el sitio web de la ciudad <https://sanluisaz.gov/listenlive> después de la reunión.

Los comentarios públicos se limitarán al Artículo 6. C. Sobre la audiencia pública sobre todos y cada uno de los asuntos relacionados con la Solicitud de Ampliación de Locales/Permiso de Patio para La Bodega Kitchen and Bar. Y el Artículo 7. A. referente al Caso de variación No. 2020-0618. Una solicitud de Sign Masters of Yuma, en nombre del Centro Regional de Cuidados Fonterizos, para reducir el retroceso en un letrero de 13 pies a 3 pies para San Luis Medical Mall situada en el 151 S. Oak Avenue, San Luis, AZ. La ciudad recibirá comentarios públicos por correo electrónico cityclerksoffice@sanluisaz.gov para consideración del Cabildo Municipal en cualquier momento antes de la reunión y durante la reunión, que está programada para comenzar a las 6:30 p.m. el Martes 24 de Noviembre del 2020. Cualquier comentario por correo electrónico recibido se leerá en voz alta para ser documentado.

Las reuniones abiertas realizadas de forma remota a través de medios tecnológicos están permitidas bajo la opinión del Fiscal General de Arizona del 13 de marzo de 2020 titulada "Re: Preocupaciones relacionadas con Open Meeting Law de Arizona y COVID-19" y después de la Declaración de Emergencia Continua del 18 de marzo de 2020 del alcalde y Orden modificada-Enfermedad de Coronavirus-19 y Orden del Ayuntamiento 2020-7 la cual cerró todos los edificios e instalaciones de la ciudad (excepto en la Corte Municipal) al acceso público, para proteger la salud y la seguridad pública y reducir la transmisión de la Enfermedad de Coronavirus 2019 (COVID-19).

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

- 1. CALL TO ORDER/ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE**
- 3. INVOCATION**
- 4. PROCLAMATION/PRESENTATION**

4. A. **PROCLAMATION**

- 26th Dia del Campesino Health and Information Fair (Farm Worker's Day)

4. B. **PRESENTATION**

- Brief Presentation of Open Meeting Law Materials. (Kay Marion Macuil, City Attorney)

5. **CONSENT AGENDA**

All matters are considered to be routine by the City Council and will be enacted by one motion. If discussion is desired, that item will be removed from the Consent Agenda and will be considered separately.

5. A. **MINUTES OF**

- Special Council meeting held November 4, 2020
- Work Session meeting held November 4, 2020

5. B. **DISBURSEMENTS FROM OCTOBER 30, 2020 THROUGH NOVEMBER 12, 2020**

Total Disbursements \$730,105.02

(Seven Hundred Thirty Thousand, One Hundred Five Dollars and Two Cents)

6. **DISCUSSION AND POSSIBLE ACTION ITEMS:**

6. A. Discussion and possible action on any and all matters regarding authorization to purchase three (3) fully marked and equipped new 2021 Ford F150 Crew Cab 4 x 4 Short Box pick-up trucks using Fiscal Year 2020-2021 Capital Projects budgeted funds. **(Richard Jessup, Chief of Police)**

6. B. Public hearing followed by discussion and possible action on any and all matters regarding the recommendation of an Application for Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control for La Bodega Kitchen and Bar. **(Ruben Walshe, La Bodega Kitchen and Bar)**

A. Open public hearing

1. Staff / Applicant Presentation

2. Call to the public on this item

B. Close public hearing

C. Action on Application For Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses & Control

7. **BOARD OF ADJUSTMENT**

MOTION TO ADJOURN AS CITY COUNCIL AND CONVENE AS BOARD OF ADJUSTMENT

7. A. Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2020-0618. A request by Sign Masters of Yuma, LLC, on behalf of Regional Center for Border Health, to reduce the setback on a sign from 12 feet to 3 feet for San Luis Medical Mall located at 151 S. Oak Avenue, San Luis, Arizona. **(Jose A. Guzman, Director of Planning and Zoning)**

A. Open public hearing

1. Presentation by staff and/or applicant
 2. Call to the Public on this item
- B. Close public hearing
C. Action on Variance No. 2020-0618

8. MOTION TO ADJOURN AS BOARD OF ADJUSTMENT AND RECONVENE AS CITY COUNCIL

9. SUMMARY OF CURRENT EVENTS

Events by Mayor, Council Members and/or City Manager pursuant to A.R.S. §38-431.02 (K).

10. ADJOURNMENT



PROCLAMATION

Special City Council Meeting

4. A.

Meeting Date: 11/24/2020

Title:

PROCLAMATION

- 26th Dia del Campesino Health and Information Fair (Farm Worker's Day)

Attachments

Proclamation 26th Dia del Campesino Health and Information Fair



Proclamation

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

26th Día Del Campesino Health and Information Fair (Farm Worker's Day) December 1, 2020

WHEREAS, the economic contribution made by Farm Workers to our local, state, national, and international economies is significant during this pandemic.

WHEREAS, we acknowledge COVID-19 is a human threat to our essential Farm Workers, we aim to not leave behind our Farm Workers and provide much-needed resources.

WHEREAS, their contributions are honored with the 26th Annual "Día Del Campesino" Health and Information Fair that will provide preventive health screening and personal protective equipment (PPE).

WHEREAS, our farmworker service coalition as organizers of the event will take the necessary safety precautions to provide prevention information and PPE to our local farmworker labor force.

WHEREAS, the City of San Luis and Campesinos Sin Fronteras have partnered in taking the lead in serving farmworkers in Yuma County for more than 26 years.

NOW, THEREFORE, I Gerardo Sanchez, Mayor of the City of San Luis, hereby proclaim the 1st Day of December of 2020 as the **26th Annual Día Del Campesino Health and Information Fair (Farm Worker's Day)** in San Luis, Arizona.

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk



PRESENTATION

Special City Council Meeting

4. B.

Meeting Date: 11/24/2020

Presentation Topic/Summary:

PRESENTATION

- Brief Presentation of Open Meeting Law Materials. (Kay Marion Macuil, City Attorney)

Attachments

PowerPoint

Remote Interest Defined

AG Open Meeting Law

AG Conflict of Interest

League You as a Public Official

OPEN MEETING LAW

A.R.S. § 38-431.01

A person elected to a City Council shall review the open meeting law materials at least one day before the day that person takes office.

ARIZONA AGENCY HANDBOOK BY THE ATTORNEY GENERAL





WEBSITE

https://www.azag.gov/sites/default/files/docs/agency-handbook/2018/agency_handbook_chapter_7.pdf



BASICS OF THE OPEN MEETING LAW

City Council cannot make any decisions or discuss the business of the council except in a meeting that is open to the public.



CREDIT

The Summary is taken from
Liz Hill's Open Meeting Law 101
Assistant Ombudsman

<https://www.azoca.gov/wp-content/uploads/Open-Meeting-Law-101.pdf>



CREDIT

The Summary is also taken from
You as a Public Official

By the League of Arizona Cities
and Towns

<http://www.azleague.org/ArchiveCenter/ViewFile/Item/384>



**CAUTION:
EVEN EMAIL, SOCIAL MEDIA,
CONFERENCE CALLS CAN BE A
MEETING**

A meeting is a gathering of a quorum either in person or by means of technology at which they discuss, propose, or take action, including deliberation on city business. **No polling or serial discussions by any means about city business.**

A.R.S. § 38-431(4)



**CAUTION:
IN AN OPEN MEETING, STICK TO
THE NOTICED AGENDA**

The Agenda informs the public of the matters to be discussed and decided and it is noticed on the website and city bulletin boards at least 24-hours in advance of the meeting.

A.R.S. § 38-431.09 and .02(G)



THE PUBLIC'S RIGHTS

The public has the right to

- View and Listen
- Video or Audio Record
- Photograph

But does not have the right to disrupt

(The right to speak is limited to when the chair calls upon the public to speak. A public meeting is not a free speech forum.)



CALL TO THE PUBLIC

- Calls to the public are permitted, but not required.
- “Call to the Public” is an item on the Agenda.
- Council may set & announce ground rules:
 - civility,
 - clean language ,
 - treat everyone the same ,
 - limit speaker’s time,
 - require speakers on the same side to select a spokesperson and then only hear from those with different comments from the spokesperson



EXECUTIVE SESSION

Council may hold private executive sessions under a 7 limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the Council is not permitted to take final action.

Council may not vote or take a poll in executive sessions. But on some of some of the 7 topics Council may direct the City Attorney

A.R.S. § 38-431.03(D).



CONFLICTS OF INTEREST

It isn't a violation to have a conflict of interest, but it is a **crime**

(1) not to disclose them and

(2) not to refrain from participation in the matter (no discussion, influence nor vote).

How to disclose:

They may be disclosed in an open meeting verbally or provided to the City Clerk in writing.

IMPORTANCE OF CONFLICTS OF INTEREST

- It is a crime not to disclose and not refrain from participation in a decision that would involve the conflict of interest
- Penalty
 - Class 6 Felony to intentionally and knowingly conceal or fail to disclose the conflict of interest.
 - Automatic forfeits office
 - Class 6 Misdemeanor to negligently or recklessly conceal or fail to disclose the conflict of interest.
- Those affected by a decision where conflict of interest is alleged may sue.
- The action taken or law passed may be voided.



CONFLICTS OF INTEREST CONTINUED

Definition

A substantial (not remote) direct or indirect interest that is nonspeculative pecuniary (money) or proprietary.



CONFLICTS OF INTEREST CONTINUED

Definition Continued

Your interest or the interest of your grand parents, parents, siblings (and their spouses), children, grandchildren, spouse (and your spouse's parents or siblings, or children)



CONFLICTS OF INTEREST CONTINUED

A “**remote interest**” is defined by ARS § 8-502(10). If the interest falls into one of the “remotes interests” is not a *legal* conflict of interest. There are a long list of remote interests – Please see separate attachment.



CONFLICTS OF INTEREST CONTINUED

The City Attorney may be asked to make a determination in writing as to whether there is a legal conflict of interest and the Council Member may rely on the determination without liability.

A.R.S. § 38-502(10)

“Remote interest” means:

- (a) That of a nonsalaried officer of a nonprofit corporation.
 - (b) That of a landlord or tenant of the contracting party.
 - (c) That of an attorney of a contracting party.
 - (d) That of a member of a nonprofit cooperative marketing association.
 - (e) The ownership of less than three percent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five percent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.
 - (f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.
 - (g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.
 - (h) That of a public school board member when the relative involved is not a dependent, as defined in § 43-1001, or a spouse.
 - (i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment on the officer, the employee or his relative, of any of the following:
 - (i) Another political subdivision.
 - (ii) A public agency of another political subdivision.
 - (iii) A public agency except if it is the same governmental entity.
 - (j) That of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.
 - (k) That of a relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.
 - (l) The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.
11. “Substantial interest” means any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest.

CHAPTER 7
OPEN MEETINGS

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CHAPTER 7

OPEN MEETINGS

7.1 Scope of this Chapter. This Chapter discusses Arizona's Open Meeting Law, A.R.S. §§ 38-431 to -431.09, with particular emphasis on the application of the Open Meeting Law to the day-to-day operations of state officers, bodies, and agencies. This Chapter shall be conspicuously posted on the Secretary of State's website for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies. A.R.S. § 38-431.01(G). Individuals elected or appointed to a public body shall review this Chapter at least one day before taking office. *Id.*

This Chapter does not resolve all issues that may arise under the Open Meeting Law, but rather is intended to serve as a reference for public officials who must comply with the Open Meeting Law. Officials faced with a situation not specifically addressed in this Chapter should consult their legal counsel before proceeding.

7.2 Arizona's Open Meeting Law.

7.2.1 History of Arizona's Open Meeting Law. All fifty states have enacted some type of legislation providing the public with a statutory right to openness in government. In addition, in 1976 the United States Congress enacted the Federal Open Meeting Act, 5 U.S.C. § 552b. Arizona enacted its Open Meeting Law in 1962 and has since amended it several times. For a detailed discussion of the early history of the Open Meeting Law through 1975, see Ariz. Att'y Gen. Op. 75-7.

7.2.2 Legislative Intent. The Legislature has repeatedly expressed its intent that the Open Meeting Law be construed to maximize public access to the governmental process. In first enacting the Open Meeting Law in 1962, the Legislature declared that: "It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their official deliberations and proceedings be conducted openly."

In 1978, after a series of court opinions narrowly construing the Open Meeting Law, the Legislature reiterated its policy by adding A.R.S. § 38-431.09(A). That statute now provides:

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. Toward this end, any person or

entity charged with the interpretation of this article shall construe any provision of this article in favor of open and public meetings.

A.R.S. § 38-431.09(A).

In keeping with this expressed intent, any uncertainty under the Open Meeting Law should be resolved in favor of openness in government. Any question whether the Open Meeting Law applies to a certain public body likewise should be resolved in favor of applying the law.

7.3 Government Bodies Covered by the Open Meeting Law.

7.3.1 Generally. The provisions of the Open Meeting Law apply to all public bodies. A public body is defined in A.R.S. § 38-431(6) as follows:

“Public body” means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or a political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.

This definition specifically includes public bodies of all political subdivisions. A political subdivision is defined in A.R.S. § 38-431(5) to include "all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts."

The definition encompasses five basic categories of public bodies: 1) boards, commissions, and other multimember governing bodies, including those “established by the Arizona Constitution or by way of ballot initiative;” 2) quasi-governmental corporations; 3) quasi-judicial bodies; 4) advisory committees; and 5) standing and special committees and subcommittees of any of the above. See A.R.S. § 38-431(6).

7.3.2 Boards and Commissions. The Open Meeting Law covers all boards and commissions and other multimember governing bodies of the state or its political

subdivisions or of the departments, agencies, institutions, and instrumentalities of the state or its political subdivisions. See A.R.S. § 38-431(6). The multimember governing body must be created by law or by an official act pursuant to some legal authority. See *id.* Examples of public bodies created by law include the Arizona Legislature, county boards of supervisors, city and town councils, school boards, the governing boards of special districts, and all state, county, and municipal licensing and regulatory boards. See, e.g., Ariz. Att’y Gen. Op. 107-001 (Open Meeting Law applies to board appointed by governing bodies of various political subdivisions to administer employee benefits program). Ariz. Att’y Gen. Op. 104-001 (Open Meeting Law applies to joint underwriting association because it’s a multimember governing body created by statute). In addition, the Legislature amended the definition of public body specifically to include “all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.” A.R.S. § 38-431(6).

The Open Meeting Law applies only to multimember bodies and does not apply to the deliberations and meetings conducted by the single head of an agency. See Ariz. Att’y Gen. Ops. 192-007, 75-7. Accordingly, the director of a department or state agency is not subject to the Open Meeting Law when meeting with staff members to discuss the operations of the department.

7.3.3 Quasi-Governmental Corporations. The boards of directors of corporations and instrumentalities of the state or its political subdivisions are subject to the Open Meeting Law when the members of the board are appointed or elected by the state or its political subdivisions. See A.R.S. § 38-431(5), (6). In order to determine whether a quasi-governmental corporation or other entity is an “instrumentality,” and thus a “public body,” under the Open Meeting Law, one should consider the following factors that indicate the degree to which governmental interests dominate the nature of the entity. See Ariz. Att’y Gen. Op. 107-001.

1. The entity's origin (whether it was created by the government or independently of the government). For example, the Open Meeting Law does not apply to a private non-profit hospital association that has a board of directors elected by the electorate of the hospital district. *Prescott Newspapers, Inc. v. Yavapai Cmty. Hosp. Ass'n*, 163 Ariz. 33, 785 P.2d 1221 (App. 1989). See Ariz. Att’y Gen. Op. 107-001.
2. The nature of the function assigned to and performed by the entity, *i.e.*, whether that function is one traditionally associated with government or is one commonly performed by private entities. For example, the board of trustees of a trust formed by several public bodies to administer employee benefit programs on their behalf would have a governmental function that supports a finding that the board is a public body.

3. The scope of authority granted to and exercised by the entity, *i.e.*, whether the entity has authority to make binding governmental decisions or is it limited to making nonbinding recommendations.
4. The nature and level of government financial involvement with the entity.
5. The nature and scope of government control over the entity's operation.
6. The status of the entity's officers and employees, *i.e.*, whether the officers and employees are government officials or government employees.

7.3.4 Quasi-Judicial Bodies. The Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims." A.R.S. § 38-431(7). The legislature added this definition in 1978 to reverse the Arizona Supreme Court's decision in *Ariz. Press Club, Inc. v. Ariz. Bd. of Tax Appeals*, 113 Ariz. 545, 558 P.2d 697 (1976), which held that the Open Meeting Law did not apply to bodies conducting quasi-judicial functions, such as license revocation proceedings. See Ariz. Att'y Gen. Op. 78-245. The Arizona Board of Tax Appeals and similar quasi-judicial bodies are now covered by the Open Meeting Law. A.R.S. § 38-431(6), (7).

Contested case proceedings or quasi-judicial or adjudicatory proceedings conducted by public bodies are subject to all of the requirements of the Open Meeting Law. *Rosenberg v. Ariz. Bd. of Regents*, 118 Ariz. 489, 578 P.2d 168 (1978); *City of Flagstaff v. Bleeker*, 123 Ariz. 436, 600 P.2d 49 (App. 1979); Ariz. Att'y Gen. Op. 75-7.

7.3.5 Advisory Committees. Advisory committees are subject to all of the requirements of the Open Meeting Law. A.R.S. § 38-431(6). An advisory committee is defined as

any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.

A.R.S. § 38-431(1).

This definition does not include advisory groups established by the single head of an agency unless they are created pursuant to a statute, city charter, or other provision of law or by an official act pursuant to some legal authority. See Ariz. Att'y Gen. Op. 192-007; Section 7.3.2.

7.3.6 Special and Standing Committees and Subcommittees. Special and standing committees and subcommittees of, or appointed by, any of the public bodies described above are also covered by the Open Meeting Law. A.R.S. § 38-431 (6). A special or standing committee may consist of members of the public body who have been appointed by or authorized to act for the public body. A.R.S. § 38-431(6). The fact that a committee consists, in whole or in part, of persons who are not members of the public body does not affect its status as a public body subject to the Open Meeting Law. See Ariz. Att'y Gen. Op. 180-202.

7.4 Government Bodies and Proceedings Not Covered by the Open Meeting Law. Certain public bodies need not comply with all or portions of the Open Meeting Law in particular circumstances. This section identifies some of those limited exceptions.

7.4.1 Judicial Appointment Commissions. The Commissions on Appellate and Trial Court Appointments and the Commission on Judicial Qualifications are expressly exempt from the Open Meeting Law. A.R.S. § 38-431.08(A)(3).

7.4.2 Proceedings Before Courts. The Open Meeting Law does not apply to judicial proceedings of courts within the judicial branch of government. A.R.S. §§ 38-431(7), -431.08(A)(1).

7.4.3 The Legislature. Meetings of legislative conference committees must be open to the public; however, the committees are exempted from all other requirements of the Open Meeting Law. A.R.S. § 38-431.08(A)(2). The Open Meeting Law does not apply to the activities of a political caucus of the Legislature. *Id.* § (A)(1); *cf.* Ariz. Att'y Gen. Op. 183-128. The Open Meeting Law permits either house of the Legislature to adopt a rule or procedure exempting itself from the notice and agenda requirements of the Open Meeting Law or to allow standing or conference committees to meet through technological devices rather than in person. A.R.S. § 38-431.08(D).

7.4.4 Student Disciplinary Proceedings. Actions concerning the "discipline, suspension or expulsion of a pupil" are not subject to the Open Meeting Law. A.R.S. § 15-843(A). This same statute, however, prescribes the procedures that the school board must follow in handling these matters.

7.4.5 Insurance Guaranty Fund Boards. Special meetings of the property and casualty insurance guaranty fund in which the financial condition of any member insurer is discussed are exempt from the Open Meeting Law. A.R.S. § 20-671.

7.4.6 Hearings Held in Prison Facilities. Hearings held by the Board of Pardons and Paroles in a prison facility are subject to the Open Meeting Law, but the Director of the State Department of Corrections may prohibit certain individuals from attending such hearings because they pose a serious threat to the safety and security of others or the prison. Other conditions on attendance, such as signing an attendance log and submitting to a reasonable search, may be imposed as well. A.R.S. § 38-431.08(B).

7.4.7 Board of Fingerprinting. Good cause exception hearings conducted by the Board of Fingerprinting pursuant to A.R.S. § 41-619.55 are exempt from the Open Meeting Law. A.R.S. § 38-431.08(A)(4).

7.4.8 Homeowners Associations. Because they are not governmental "public bodies," homeowners associations are not covered by the Open Meeting Law. Ariz. Att'y Gen. Op. 97-012. They must, however, comply with separate notification requirements. *Id.* Those requirements must be enforced privately because the Attorney General and County Attorneys have no jurisdiction over such matters. For more information on the requirements of homeowners associations, see A.R.S. § 33-1801 *et seq.*

7.5 Actions and Activities Covered by the Open Meeting Law.

7.5.1 Generally. All meetings of a public body shall be public, and all persons desiring to attend shall be permitted to attend and listen to the deliberations and proceedings. A.R.S. § 38-431.01(A). All legal action of public bodies shall occur during a public meeting. *Id.* A meeting is defined as "the gathering, in person or through technological devices, of a quorum of the members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to that action." A.R.S. § 38-431(4). It does not matter what label is placed on a gathering; it may be called a "work" or "study" session, or the discussion may occur at a social function. Ariz. Att'y Gen. Op. 179-4.

Put simply, all discussions, deliberations, considerations, or consultations among a majority of the members of a public body regarding matters that may foreseeably require final action or a final decision by the governing body, constitute "legal action" and, therefore, must be conducted in a public meeting or executive session in accordance with the Open Meeting Law. Ariz. Att'y Gen. Ops. 75-8, 179-4. See also A.R.S. §§ 38-431.01(A), -431(3) and Ariz. Att'y Gen. Op. 105-004. The key to this inquiry is whether the matter to be discussed may foreseeably require final action. It is difficult to say precisely when this foreseeability test has been met. Each case should be viewed on its own merits with doubts resolved in favor of compliance with the Open Meeting Law. The safest course of action is to assume the Open Meeting Law applies whenever a majority of the body discusses the business of the public body.

"Even if communications on a particular subject between members of a public body do not take place at the same time or place, the communications can nonetheless constitute a 'meeting.'" See *Del Papa v. Bd. of Regents of Univ. and Cmty. Coll. Sys. Of Nev.*, 114 Nev. 388, 393, 956 P.2d 770, 774 (1998) (rejecting the argument that a meeting did not occur because the board members were not together at the same time and place). Accordingly, the definition of meeting was modified by the Arizona Legislature in 2000 to prohibit a quorum of a public body from secretly communicating through technological devices (including, for example, facsimile machines, telephones, texting, and e-mail), and further modified in 2018 in order to provide additional guidance on electronic

communications. The following instances of electronic communication are now expressly considered “meetings” under the Open Meeting Law:

1. “A one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action.”
2. “An exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.”

A.R.S. § 38-431(4)(b). If an electronic communication from one member of the public body proposes legal action and is sent to enough members of the public to form a quorum, a violation occurs even if no member of the public body responds to the electronic communication. A.R.S. § 38-431(4)(b)(i). However, other one-way communications, with no further exchanges, are not *per se* violations, and further examination of the facts and circumstances would be necessary to determine if a violation occurred. Ariz. Att’y Gen. Op. I05-004.

While discussion of the public body's business may take place only in a public meeting or an executive session in accordance with the requirements of the Open Meeting Law, the Open Meeting Law does not prohibit a member of a public body from voicing an opinion or discussing an issue with the public either at a venue other than a public meeting of the body, or through media outlets or other public broadcast communications or technological means, so long as the "opinion or discussion is not principally directed at or directly given to another member of the public body," and "there is no concerted plan to engage in collective deliberation to take legal action." A.R.S. § 38-431.09(B); Ariz. Att’y Gen. Op I07-013.

7.5.2 Circumventing the Open Meeting Law. Discussions and deliberations (in person or otherwise) between less than a majority of the members of a governing body, violate the Open Meeting Law when used to circumvent the purposes of the Open Meeting Law. See Ariz. Att’y Gen. Op. 75-8; *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that has been or later may be presented to the public body for a decision. Public officials should refrain from any activities that may undermine public confidence in the public decision making process established in the Open Meeting Law, including actions that may appear to remove discussions and decisions from public view.

7.5.3 Applicability to Staff Members and Others. The Open Meeting Law further provides that members of public bodies shall not knowingly direct any staff member to

communicate in violation of the Open Meeting Law. A.R.S. § 38-431.01(I). People knowingly aiding, agreeing to aid or attempting to aid another person in violating the Open Meeting Law can be liable for civil penalties, attorneys' fees, and costs pursuant to A.R.S. § 38-431.07(A). See Sections 7.13.3 and 7.13.4. Splintering a quorum may also occur when members of a public body share their positions and proposals with other public body members through staff members or other non-members. For example, a staff member who meets with each member individually regarding official business and then shares the comments made by other members would violate the Open Meeting Law. Although a staff member may provide information to members separately (see Ariz. Att'y Gen. Op. 105-004 at 9), that person must be careful not to facilitate a discussion or deliberation by a quorum through sharing information with other members in subsequent meetings.

7.6 Notice of Meetings.

7.6.1 Generally. The Open Meeting Law generally requires at least twenty-four hour advance notice of all meetings to the public body and to the general public. A.R.S. § 38-431.02(C). Notice enables members of the public to attend public meetings by informing them of when and where to go, and how to get information regarding the matters under consideration. Arizona courts have emphasized the importance of sufficient notice. The Arizona Court of Appeals explained, "[t]he notice provisions in the open meeting law are obviously designed to give meaningful effect to provisions such as A.R.S. §§ 38-431.01(A) and 38-431.09. The goal of exposing the public decision-making process to the public itself could be significantly, if not totally thwarted, in the absence of mandatory notice provisions and their enforcement." *Carefree Improvement Ass'n v. City of Scottsdale*, 133 Ariz. 106, 111, 649 P.2d 985, 990 (App. 1982).

7.6.2 Notice to Members of the Public Body. Notice of all meetings, including executive sessions, must be given to the members of the public body. A.R.S. § 38-431.02(B), (C).

7.6.3 Notice to the Public. Notice of all meetings, including executive sessions, must be given to the public. A.R.S. § 38-431.02. Giving public notice is a two-step process. *Id.*

7.6.3.1 Disclosure Statement. The first step is for the public body to conspicuously post a disclosure statement identifying the physical and electronic locations where public notices of meetings will be displayed. A.R.S. § 38-431.02(A). See Form 7.1. Public bodies of the State, counties, school districts, and governing bodies of charter schools must post the disclosure statement on their websites. *Id.* § (A)(1)-(2). Special districts governed by Title 48, A.R.S., must post the required disclosure statement on their own website or may file it with the Clerk of the Board of Supervisors. *Id.* § (A)(3). Public bodies of cities and towns must post the required information on their own websites or on the website of an association of towns and cities. *Id.* § (4). The notification location identified in the statement must be a place to which the public has reasonable access.

Carefree Improvement Ass'n v. City of Scottsdale, 133 Ariz. 106, 111, 649 P.2d 985, 990 (App. 1982). The location should have normal business hours, should not be geographically isolated, should not have limited access, and should not be difficult to find.

7.6.3.2 Public Notice of Meetings. Once the disclosure statement has been filed or posted, the second step is for the public body to give notice of each of its meetings by posting a copy of the notice on its website as well as at the location identified in the disclosure statement. A.R.S. § 38-431.02(A). See Forms 7.2, 7.3, 7.4. Public bodies shall also give "additional public notice as is reasonable and practicable as to all meetings." *Id.* § (A)(1)(a).

If there is a "technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website" and all other public notice requirements are met, then the meeting can convene as scheduled. *Id.* § (A)(1)(b). Given the possibility of complaints or litigation in such situations, the public body should document the nature and duration of the technological problem or failure along with an explanation of how it affected the ability of the public body to post proper notice of the public meeting.

In addition to complying with the requirements of the Open Meeting Law, the notice should conform with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 - 12213. See Section 15.27. This may include the addition of a statement such as the following in any notices that the public body issue: "Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name of designated agency contact person] at [telephone number and TDD telephone number]. Requests should be made as early as possible to allow time to arrange the accommodation."

7.6.4 Contents of the Notice. Generally, the notice should include information identifying the public body and the date, time, and place of the meeting. See Forms 7.2, 7.3. In identifying the place of the meeting, the notice should specify the street address of the building and the room number or other information identifying the specific room in which the meeting will be held. See Form 7.7 (Sample Notice and Agenda).

In addition, notices of public meetings and notices of executive sessions must contain an agenda of the matters to be considered by the public body at the meeting or information on how the public may obtain a copy of such an agenda. A.R.S. § 38-431.02(G). For a complete discussion of the agenda requirements, see Section 7.7. Notice of a public meeting at which the public body intends to ratify a prior act must contain additional specific information. See Section 7.12; Form 7.12.

7.6.5 Time for Giving Notice. As a general rule, a meeting may not be held without giving the required notice at least twenty-four hours before the meeting. A.R.S. § 38-431.02(C). For purposes of the statute, the twenty-four hour period excludes Sundays and holidays. *Id.* Saturdays are included in the period if the public has access to

the physical and electronic posted locations. *Id.* Of course, the best practice is for public bodies to give as much notice as possible. The public body may consider including with the notice a certification by the person responsible for posting the notice that states the time and location that the notice was posted. See Form 7.8 below.

There are three exceptions to the twenty-four hour notice requirement.

First, in the case of an "actual emergency," the meeting may be held upon such shorter notice as is "appropriate to the circumstances." § 38-431.02(D). An actual emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. See *Carefree Improvement Ass'n v. City of Scottsdale*, 133 Ariz. 106, 113, 649 P.2d 985, 992 (App. 1982). The existence of an actual emergency does not dispense with the need to give twenty-four hours written notice to an employee who is to be discussed in executive session. A.R.S. § 38-431.03(A)(1); Ariz. Att'y Gen. Op. I90-19; see Sections 7.7.9 and 7.9.5.1.

Second, notice of a meeting at which the public body will consider ratifying a prior act taken in violation of the Open Meeting Law must be given seventy-two hours in advance of the meeting. A.R.S. § 38-431.05(B)(4); see Section 7.12.

Finally, less than twenty-four hours notice may be given when a properly noticed meeting is recessed to the next day. A.R.S. § 38-431.02(E). A meeting may be recessed and resumed with less than twenty-four hour notice if public notice of the initial session of the meeting is given and, if before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given. *Id.* Notice of the resumption of a meeting must comply with the agenda requirements respecting the matters to be addressed when resumed. *Id.* § (G). This may be accomplished by the presiding officer of the public body either stating at the meeting the time, place, and agenda of the resumed meeting or stating where a written notice and agenda of the resumed meeting will be posted. If an executive session is to be recessed and resumed with less than twenty-four hour notice, the time, place, and agenda of the resumed meeting should be communicated to the members of the public body and to the public by reconvening in public session and following one of the two steps described above. If the meeting will not reconvene for more than twenty-four hours, a new meeting notice and agenda is recommended.

7.6.6 Notice of Regular Meetings. A public body that intends to meet for a specified calendar period on a regular day or date during the calendar period, and at a regular place and time, may post public notice of such meetings at the beginning of such period and need not post additional notices for each meeting. A.R.S. § 38-431.02(F); see Form 7.4. The notice must specify the applicable notice period. *Id.* However, this method of posting notice will not satisfy the agenda requirements unless the notice also contains a clear statement that the agenda for any such meeting will be available at least twenty-four

hours in advance of the meeting and a statement as to where and how the public may obtain a copy of the agenda. A.R.S. § 38-431.02(G).

7.6.7 Notice of Executive Sessions. When a public body intends to conduct an executive session, the notice must state the specific provision of law authorizing the executive session. A.R.S. § 38-431.02(B); see Form 7.5. This provision requires that the notice specify the numbered paragraph of subsection (A) of A.R.S. § 38-431.03 that authorizes the executive session. A general citation to A.R.S. § 38-431.03 or subsection (A) of that section is insufficient. For example, a public body intending to meet in executive session for purposes of discussing the purchase or lease of real property must cite in its notice "A.R.S. § 38-431.03(A)(7)." The public body must cite only the paragraphs applicable to the matters to be discussed and cannot issue a standardized form notice that cites all executive session provisions. In addition, an agenda is required for an executive session and must contain only a "general description of the matters to be considered." A.R.S. § 38-431.02(I); see Section 7.7.3.

In the case of an executive session concerning personnel matters, the public body must give written notice to the affected officer, appointee, or employee in addition to the public notice described above. A.R.S. § 38-431.03(A)(1); see Section 7.9.5.1; Form 7.13. Such written notice must be provided not less than twenty-four hours before the scheduled meeting. A.R.S. § 38-431.03(A)(1).

Many public bodies do not know whether they will have any legal questions regarding matters on the agenda until the discussion occurs. The Attorney General previously opined that public bodies may provide with their notices and agendas a statement that matters on the public meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. § 38-431.03(A)(3). Ariz. Att'y Gen. Op. I90-19. An example of such a statement is "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)." Similar statements are not sufficient for other types of executive sessions. See Section 7.7 for further discussion.

7.6.8 Maintaining Records of Notice Given. Best practice provides that each public body keep a record of its notices, including a copy of each notice that was posted and information regarding the date, time, and place of posting. A suggested procedure is to file in the records of the public body a copy of the notice and a certification in a form similar to Form 7.8.

7.7 Agendas.

7.7.1 Generally. In addition to notice of the time, date, and place of the meeting, the public body must provide an agenda of the matters to be discussed, considered, or decided at the meeting. A.R.S. § 38-431.02(G).

Although this Section provides guidelines for the preparation of agendas, it does not answer every question that may arise. Specific problems should be discussed with the public body's legal counsel. As a general rule, public bodies should always be mindful of the Legislature's declaration of policy that agendas "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). When in doubt, resolve questions in favor of greater disclosure of information.

7.7.2 Contents of the Agenda -- Public Meeting. The agenda for a public meeting must contain a listing of the "specific matters to be discussed, considered or decided at the meeting." A.R.S. § 38-431.02(H). This requirement does not permit the use of generic agenda items such as "personnel," "new business," "old business," "reports," or "other matters" unless the specific matters or items to be discussed are separately identified in conjunction with the general terms. See *Thurston v. City of Phoenix*, 157 Ariz. 343, 344, 757 P.2d 619, 620 (App. 1988). The degree of specificity depends on the circumstances. See Form 7.7 (Sample Notice and Agenda). Consider the following examples:

- "Discussion and possible action to approve the application of pesticides within 1/4 mile of a school" if an environmental board is going to consider whether to approve the application of any pesticide within 1/4 mile of a school;
- "Discussion and possible action to remove Pesticide-A from list of approved pesticides" if the environmental board is going to consider removing a specific pesticide from an approved list;
- "Discussion and possible action regarding budget priorities and revisions for upcoming fiscal year" if a board intends to generate and discuss a number of different options for managing its budget;
- "Discussion and possible action regarding elimination of funding from budget for travel reimbursements, computer upgrades, and laptops for board members" if a board intends to only focus on specific options to revise a budget.

If it is likely that the public body will find it necessary to discuss any particular agenda item in executive session with the public body's attorney, the agenda should plainly state so, even if the general notice of executive session for legal advice is on the agenda. For example, the agenda might include a provision stating "The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on the approval of pesticides for application within ¼ mile of a school pursuant to A.R.S. § 38-431.03(A)(3)."

7.7.3 Contents of the Agenda -- Executive Session. The agenda for an executive session must contain a "general description of the matters to be considered." A.R.S. § 38-431.02(l). The description must amount to more than just a recital of the statutory provisions authorizing the executive session, but should not contain any information that "would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege." *Id.*

In preparing executive session agenda items, the public body must weigh the legislative policy favoring public disclosure and the legitimate confidentiality concerns underlying the executive session provision. For example, if a board desires to consider the possible dismissal of its executive director, the board may list on the agenda "Personnel matter - consideration of continued employment of the board's executive director." However, when the public disclosure of the board's consideration of charges against an employee might needlessly harm the employee's reputation or compromise the employee's privacy interests, the board may eliminate from the agenda a description of the identity of the employee being considered, but must still indicate on the agenda that an employee of the public body is the subject of the executive session. If it is already publicly known that the board is considering charges against the employee, disclosure of the employee's identity in the agenda would not defeat the purpose of the executive session.

7.7.4 Distribution of the Agenda. The agenda may be made available to the public by including it as part of the public notice or by stating in the public notice how the public may obtain a copy of the agenda and then distributing the agenda in the manner prescribed. A.R.S. § 38-431.02(G); see Forms 7.2 - 7.4, 7.6, 7.7. Because both the public notice and the agenda must be available at least twenty-four hours in advance of a meeting, the simplest procedure is to include the agenda with the public notice. See Form 7.7 (Sample Notice and Agenda). However, when issuing public notice well in advance of a meeting, as in the case of notice of regularly scheduled meetings, see Section 7.6.6, it may be more appropriate to state how the public may obtain a copy of the agenda and distribute it accordingly.

7.7.5 Consent Agendas. Public bodies may use "consent agendas" if they meet certain requirements. Consent agendas are typically used as a time-saving device when there are certain items on the agenda which are unlikely to generate controversy and are ministerial in nature. Some examples are approval of travel requests and approval of minutes. Public bodies often take one vote to approve or disapprove the consent agenda as a whole. When using a consent agenda format for some of the items on a meeting agenda, public bodies should fully describe the matters on the agenda and inform the public where more information can be obtained. A good practice is to require the removal of an item from the consent agenda upon the request of any member of the public body. See Form 7.7 (Sample Notice and Agenda).

Public bodies should exercise caution when using consent agendas. The Arizona Supreme Court previously held that taking legal action, taken after an executive session,

must be preceded by a disclosure of "that amount of information sufficient to apprise the public in attendance of the basic subject matter of the action so that the public may scrutinize the action taken during the meeting." *Karol v. Bd. of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979). The Court also condemned the practice of voting on matters designated only by number, thereby effectively hiding actions from public examination. *Id.*

7.7.6 Discussing and Deciding Matters Not Listed on the Agenda. The public body may discuss, consider, or decide only those matters listed on the agenda and "other matters related thereto." A.R.S. § 38-431.02(H). The "other matters" clause provides some flexibility to a public body but should be construed narrowly. The "other matters" must in some reasonable manner be "related" to an item specifically listed on the agenda. *Thurston v. City of Phoenix*, 157 Ariz. 343, 344, 757 P.2d 619, 620 (App. 1988).

If a matter not specifically listed on the agenda is brought up during a meeting, the better practice, and the one that will minimize subsequent litigation, is to defer discussion and decision on the matter until a later meeting so that the item can be specifically listed on the agenda. If the matter demands immediate attention and is a true emergency, the public body should consider using the emergency exception described in Section 7.7.9.

However, if action is taken at a meeting on an item not properly noticed, then that particular action violates the Open Meeting Law and is null and void. *Johnson v. Tempe Elementary Sch. Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2001); A.R.S. § 38-431.05(A). The public body may ratify the action pursuant to A.R.S. § 38-431.05(B), although the violation may still subject the public body to the penalties described in A.R.S. § 38-431.07(A). Any other actions that were taken at the meeting and were properly noticed are not void. *Karol v. Bd. of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979); Ariz. Att'y Gen. Op. 108-001.

7.7.7 Calls to the Public. A public body may include a call to the public on a meeting agenda. A.R.S. § 38-431.01(H); see also Section 7.10.1 for more discussion on public participation. Should a public body include a call to the public during a public meeting, members of the public body may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. A.R.S. § 38-431.01(H). Individual public body members may, however, respond to criticism made by those who have addressed the public body, ask staff to review a matter, or ask that a matter be put on a future agenda. *Id.*; see also Ariz. Att'y Gen. Op. 199-006.

The best practice is to include language similar to the following on the agenda to explain in advance the reason members of the public body cannot respond to topics brought up during the call to the public that are not on the agenda: "Call to the Public: This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to

directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date."

7.7.8 Current Event Summaries. The Open Meeting Law allows the chief administrator, presiding officer or a member of a public body to present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that the summary is listed on the agenda and that the public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action. A.R.S. § 38-431.02(K). Thus, the summary of current events consists merely of one of the above-referenced people summarizing recent occurrences without any discussion or feedback from the remainder of the public body. The agenda should specifically list "Summary of Current Events" as an agenda item and identify who will present the summary.

Reports that address matters other than a summary of current events or that are delivered by someone other than a proper official with the public body do not come within the provision authorizing current events summaries and must comply with the agenda requirements of the Open Meeting Law. The only report that can be given without listing the contents of the presentation is the brief summary of current events by the chief administrator, the presiding officer of the Council, or a member under A.R.S. § 38-431.02(K). As to other reports presented to a public body, the agenda must list descriptions of the topics that will be presented and state whether the public body will discuss or take action on such matters. A generic agenda item, such as "Police Department Report," "Fire Department Report," or "Executive Director Report" does not satisfy the requirement that the agenda provide information that is "reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.02(H). Public bodies should limit the use of the current events summary provision to appropriate situations and should strive to provide as much advance information as possible to the public.

7.7.9 Emergencies. A public body may discuss, consider, and decide a matter not on the agenda when an actual emergency exists requiring that the body dispense with the advance notice and agenda requirements. A.R.S. § 38-431.02(D). See Section 7.6.5 for a discussion of what constitutes an actual emergency.

To use the emergency exception, the public body must do several things. First, the public body must give "such notice as is appropriate to the circumstances." A.R.S. § 38-431.02(D). Next, prior to the emergency discussion, consideration, or decision, the public body must announce in a public meeting the reasons necessitating the emergency action. A.R.S. § 38-431.02(J). If the emergency discussion or consideration is to take place in an executive session, this public announcement must occur at a public meeting prior to the executive session. *Id.*

After the emergency exception has been used, "the public body must post a public notice within twenty-four hours declaring that an emergency session has been held," which sets forth the same information required in an agenda for a regular meeting. A.R.S. § 38-431.02(D); see Form 7.9.

Additionally, the public body must place in the minutes of the meeting a statement that sets forth the reasons necessitating the emergency discussion, consideration, or decision. A.R.S. § 38-431.02(J). In the case of an executive session, this statement will appear twice, once in the minutes of the public meeting where the reasons were publicly announced, and again in the minutes of the executive session where the emergency discussion or consideration took place. See Sections 7.8.2(8) and 7.8.3(5).

7.7.10 Changes to the Agenda. If a public body finds it necessary to change an agenda by modifying the listed matters or adding new ones, a new agenda must be prepared and distributed in the same manner as the original agenda, at least twenty-four hours in advance of the meeting. Ariz. Att'y Gen. Op. 179-45. Changes in the agenda within twenty-four hours of the meeting may be made only in case of emergency. Ariz. Att'y Gen. Op. 179-192; see Section 7.7.9. However, the public body is not required to discuss or act on an item that appears on the agenda for the meeting and can vote at the meeting to remove agenda items from consideration without violating the Open Meeting Law.

7.8 Minutes. Minutes must be taken of all public meetings and executive sessions. A.R.S. § 38-431.01(B)

7.8.1 Form of and Access to the Minutes. Minutes may be taken in writing or may be recorded by an audio or video recorder. A.R.S. § 38-431.01(B); see Forms 7.10, 7.11. Written minutes or a recording of a public meeting must be available for public inspection within three working days after the meeting. A.R.S. § 38-431.01(D). Public bodies concerned about distributing minutes before they have been officially approved at a subsequent meeting should mark the minutes "draft" or "unapproved" and make them available within three working days of the meeting. If the minutes have been recorded by an audio or video recorder, allowing the public to have access to that recording is sufficient. However, if the minutes were taken in shorthand, those minutes must be typed or written out in longhand in order to comply with this requirement. See Form 7.10. The minutes of an executive session are confidential and may not be disclosed except to certain authorized persons. A.R.S. § 38-431.03(B); see Section 7.9.4. To ensure confidentiality and avoid inadvertent disclosure, minutes of executive sessions should be stored separately from regular session minutes.

The approved minutes of council meetings for cities or towns with a population of more than 2,500 persons must be posted on the city's website within two working days of their approval. A.R.S. § 38-431.01(E)(2). Minutes must be reduced to a form that is readily accessible to the public. See A.R.S. § 38-431.01(D). Additionally, a public body of a city or a town with a population exceeding 2,500 people shall, within three working days

after any meeting, post on its website a statement showing legal actions taken by the public body or any recordings made during the meeting. A.R.S. § 38-431.01(E)(1). Subcommittees and advisory committees of such public bodies have ten working days after the meeting to post the recording or statement. A.R.S. § 38-431.01(E)(3), (J). Such posted minutes, statements, and recordings shall remain accessible on the website for at least one year after the meeting. *Id.* § (J). In addition, any recordings and minutes are public records subject to record retention requirements.

7.8.2 Contents of the Minutes of Public Meetings. The minutes of a public meeting must contain the following information:

1. "The date, time and place of the meeting." A.R.S. § 38-431.01(B)(1).
2. "The members of the public body recorded as either present or absent." *Id.* § (B)(2).
3. "A general description of the matters [discussed or] considered." *Id.* § (B)(3). Minutes must contain information regarding matters considered or discussed at the meeting even though no formal action or vote was taken with respect to the matter. *See id.* § (B)(4). Although the minutes do not need to be a verbatim transcript of the meeting to satisfy this requirement, they must summarize the discussion, including the topics addressed, and identify all speakers who participated in the discussion, including members of the public body.
4. "An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted." *Id.* Best practice includes roll call votes in most circumstances, as this encourages open government. However, for voice votes, minutes should still include a record of how each member voted, which includes noting abstentions, recusals, or those otherwise not voting. This could be accomplished in several ways. One way of ensuring such a recording would be to follow any voice vote for which no dissent or disagreement was noted with a request that any member who abstained or otherwise did not vote identify themselves; this would ensure the ability to record in detail how each member voted.
5. "[T]he names of the members who propose each motion[.]" *Id.*
6. "[T]he names of the persons, as given, who make statements or present material to the public body and a [specific] reference to the legal action," (see item 4) to which the statement or presentation relates. *Id.*
7. If the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken (such as an action to approve matters on a consent agenda), the minutes of the public meeting at which

such action was taken should contain sufficient information to permit the public to investigate further the background or specific facts of the decision. See Section 7.7.5; *Karol v. Bd. Of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979).

8. If matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency. A.R.S. § 38-431.02(J); see Sections 7.6.5 and 7.7.9.
9. If a prior act was ratified, the minutes must contain a copy of the disclosure statement required for ratification. A.R.S. § 38-431.05(B)(3); see Section 7.12.2; Form 7.10.

7.8.3 Contents of the Minutes of Executive Sessions. The minutes of executive sessions must remain confidential, except as provided in Section 7.9.4, and must contain the following information:

1. "The date, time and place of the meeting." A.R.S. § 38-431.01(B)(1), (C).
2. "The members of the public body recorded as either present or absent." *Id.* § (B)(2), (C).
3. "A general description of the matters considered." *Id.* § (B)(3), (C); see Section 7.8.2(3). Like the minutes for a public session of the public body, the minutes must summarize the discussion, including the topics addressed, and identify all speakers who participated in the discussion, including members of the public body.
4. An accurate description of all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38-431.03(A)(4), (5) and (7). See Sections 7.9.5.4, 7.9.5.5 and 7.9.5.7.
5. A statement of the reasons for emergency consideration of any matters not on the agenda. See A.R.S. § 38-431.02(J); Section 7.8.2(8).
6. Such other information as the public body deems appropriate. For example, the public body might record in its minutes that those present were advised that the information discussed in the session and the session minutes are confidential. See Form 7.11.

"A party who asserts that a public body violated the open meeting laws has the burden of proving that assertion." *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 205, 76 P.3d 874, 879 (App. 2003). However, Arizona courts have held that once a complainant alleges facts from which a reasonable inference may be

drawn supporting an Open Meeting Law violation, the burden of proof immediately shifts to a public body to prove that an affirmative defense or exception to the Open Meeting Law authorized an allegedly inappropriate executive session. *Fisher v. Maricopa County Stadium Dist.*, 185 Ariz. 116, 122, 912 P.2d 1345, 1351 (App. 1995); *see also Tanque Verde*, 206 Ariz. at 205, 76 P.3d at 881. The best practice is for public bodies to keep an audio or video recording of the executive session or to transcribe the executive session to ensure that they are prepared to meet their burden of proof in the event a complaint is filed.

7.9 Executive Sessions. A.R.S. Section 38-431.03 contains an exception to the general requirement that all meetings must be open to the public. That exception is for an executive session, which 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 [A.R.S.] § 38-431.03." A.R.S. § 38-431(2); *see* Sections 7.9.5.1 - 7.9.5.7.

While the Open Meeting Law does permit executive sessions for discussing certain matters, it does not require that these discussions take place in executive session. If public disclosure of the public body's discussion is not prohibited by any other statutory provision and government interests are not threatened, a public body may choose to conduct all of its discussions in a public setting.

7.9.1 Deciding to Go Into Executive Session. Before a public body may go into an executive session, proper notice must be provided. *See* Section 7.6.7 for a discussion of the notice required for an executive session; *see also* section 7.7.9. Once the public body is satisfied that notice requirements have been met, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session. A.R.S. § 38-431.03(A). The motion must state the ground(s) for the executive session so that the public understands why the public body is entering executive session. For example, a member of the public body may make the following motion: "I move to enter executive session for the purpose of receiving legal advice on [agenda topic]." Generally, the vote will be taken immediately before going into executive session.

7.9.2 Executive Session Requirements. Once the majority of members of a public body votes to hold an executive session, the chairman of the public body should ask the public to leave and to take with them all materials such as briefcases and backpacks to ensure that no recording devices are left in the room. In the alternative, the public body can move to a separate room to conduct the executive session. Only members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its executive session responsibilities may attend the executive session. A.R.S. § 38-431(2). The chairman should remind all present that the business conducted in executive sessions is confidential pursuant to A.R.S. § 38-431.03(C).

7.9.3 Taking Legal Action. In an executive session, the public body may discuss and consider only the specific matters authorized by the statute. These specific authorizations are discussed in Sections 7.9.5.1 – 7.9.5.7. Furthermore, the public body may not take a vote or make a final decision in the executive session, but rather must

reconvene in a public meeting for purposes of taking the binding vote or making final decisions. See A.R.S. § 38-431.03(D). For example, "[a] decision to appeal transcends 'discussion or consultation' and entails a 'commitment' of public funds. Therefore, once [a] Board [has] finished privately discussing the merits of appealing, the open meeting statutes require[] that board members meet in public for the final decision to appeal." *Johnson v. Tempe Elementary Sch. Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2001). Taking a straw poll or informal or preliminary vote in executive session is unlawful under the Open Meeting Law. See A.R.S. § 38-431.03(D). No motion or vote is taken to adjourn the executive session; the chair is responsible for adjourning the executive session and reconvening the public session.

7.9.4 Confidentiality of Executive Sessions. The minutes of and discussions that take place during an executive session are confidential under A.R.S. § 38-431.03(B) and may not be disclosed to anyone except the following people:

1. Any member of the public body, regardless of whether he or she attended the executive session. A.R.S. § 38-431.03(B)(1); *Picture Rocks Fire Dist. v. Updike*, 145 Ariz. 79, 81, 699 P.2d 1310, 1312 (App. 1985).
2. Any officer, appointee, or employee who was the subject of discussion at an executive session authorized by A.R.S. § 38-431.03(A)(1) may see those portions of the minutes directly pertaining to them. A.R.S. § 38-431.03(B)(2); see Section 7.9.4.
3. Staff personnel, to the extent necessary for them to prepare and maintain the minutes of the executive session.
4. The attorney for the public body, to the extent necessary for the attorney to represent the public body.
5. The Auditor General in connection with the lawful performance of its duty to audit the finances or performance of the public body. A.R.S. § 38-431.03(B)(3); Ariz. Att'y Gen. Op. 179-130.
6. The Attorney General or County Attorney when investigating alleged violations of the Open Meeting Law. A.R.S. § 38-431.03(B)(4).
7. The court, for purposes of a confidential inspection where an open meeting violation has been alleged. A.R.S. § 38-431.07(C).

The Open Meeting Law requires a public body to advise all persons attending an executive session that such minutes and information are confidential. A.R.S. § 38-431.03(C). Members of a public body and others attending the executive session must ensure that the information remains confidential. In addition to violating the Open Meeting Law, criminal charges may arise from a release of confidential information

from executive session. “A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law.” A.R.S. § 38-504(B). The law designates a knowing or intentional violation of this provision as a Class 6 felony and a reckless or negligent violation as a Class 1 misdemeanor. A.R.S. § 38-510(A). Either type of violation could lead to criminal penalties in addition to forfeiture of office or employment. A.R.S. § 38-510(B).

7.9.5 Authorized Executive Sessions. The Open Meeting Law identifies seven specific instances in which a public body may discuss matters in an executive session. A.R.S. § 38-431.03(A); see Sections 7.9.5.1 – 7.9.5.7. In addition, the Legislature may create specific authority for executive sessions in other statutes. See A.R.S. § 38-797.03(B) (authorizing the Arizona State Retirement System Board to hold hearings or to consider administrative law judge decisions involving long term disability benefits in executive session).

Arizona courts have strictly construed the authorized executive session topics because their legislative charge is to “promote openness in government, not to expand exceptions which could be used to obviate the rule.” See *Fisher v. Maricopa County Stadium Dist.*, 185 Ariz. 116, 124, 912 P.2d 1345, 1353 (App. 1995). Thus, unless the proposed discussion plainly falls within one of the Open Meeting Law’s executive session topics or is specifically authorized by the public body’s enabling legislation, discussion should take place only in a public meeting.

7.9.5.1 Personnel Matters. The discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, discipline, resignation, or dismissal of a public officer, appointee, or employee of a public body may take place in an executive session. A.R.S. § 38-431.03(A)(1); *City of Flagstaff v. Bleeker*, 123 Ariz. 436, 438 n.2, 600 P.2d 49, 51 n.2 (App. 1979). This authorization for an executive session applies only to discussions concerning specific officers, appointees, and employees. This provision permits discussion in executive session of applicants for employment or appointment even though the applicants may not be currently employed by the public body. See Ariz. Att’y Gen. Op. 183-050.

If the public body proposes to discuss a personnel matter in an executive session, and the affected officer, appointee, or employee requests that the discussion occur in a public meeting instead, then these discussions must be conducted in a public meeting and not in an executive session. A.R.S. § 38-431.03(A)(1). Accordingly, the Open Meeting Law requires that an officer, appointee, or employee who is the subject of the discussion in executive session must be given advance written notice of the proposed executive session. *Id.* The notice given to the officer, appointee, or employee must describe the matters to be considered by the public body in a manner sufficient to enable the employee to make the initial decision whether to have the matters discussed in a public meeting. *Id.* In addition, the written notice must be given sufficiently in advance of the proposed meeting, and in no event less than twenty-four hours prior to the meeting, to enable the employee to make the

foregoing determination and to prepare an appropriate request for a public meeting. *Id.*; see Ariz. Att'y Gen. Op. 179-49. See also Form 7.13. There is no emergency exception to the requirement that an affected officer, appointee, or employee receive at least twenty-four hours' notice. See Ariz. Att'y Gen. Op. 190-19. However, the public body can discuss personnel matters in a public meeting with less than twenty-four hours' notice if an actual emergency exists. A.R.S. § 38-431.02(D). See Sections 7.6.5 and 7.7.9. There is no requirement to provide advance written notice directly to the affected officer, appointee, or employee when the public body proposes to discuss a personnel matter in a public session and not in an executive session.

Although the public body may *permit* the public officer, appointee, or employee who is the subject of discussion to attend the executive session, the Open Meeting Law does not specify whether that person has the right to attend. Whether he attends or not, the public body must make the minutes of the executive session available to the public officer, appointee, or employee who was the subject of discussion in the executive session. A.R.S. § 38-431.03(B)(2).

A public body may consider several persons for appointment to a position or consider several employees for possible disciplinary action. In such cases, the public body may consider the matter in executive session provided all those being considered are given the required notice. If some, but not all of those given notice request a public meeting, the public body has two options: the public body may limit the public discussion to those persons filing the request and discuss the remaining persons in an executive session; or, because the Open Meeting Law does not require the public body to discuss personnel matters in executive session, the public body may discuss the entire matter in a public meeting.

Public bodies should take care to ensure they limit the scope of executive sessions for personnel discussions to true personnel matters. The Attorney General opined that the Open Meeting Law prohibits public bodies from conducting in executive sessions lengthy information gathering meetings that explore the operation of public programs under the guise of conducting a personnel evaluation. Only the actual evaluation - discussion or consideration of the performance of the employee - may take place in an executive session. See Ariz. Att'y Gen. Op. 196-012. A public body wishing to discuss or consider an employee's evaluation in executive session, pursuant to A.R.S. § 38-431.03(A)(1), should adopt a bifurcated process permitting the public body to gather information about public programs at a public meeting, while allowing the public body to enter executive session to discuss or consider the actual evaluation. Ariz. Att'y Gen. Op. 196-012.

Similarly, a public body may not discuss a class of persons in executive session under the Personnel Matters provision. For instance, a public body may not use this executive session provision to discuss a potential reduction in force. Each employee who will be discussed in executive session must get the notice as required by A.R.S. § 38-431.03(A)(1).

7.9.5.2 Confidential Records. An executive session may be held when the public body considers or discusses "records exempt by law from public inspection." A.R.S. § 38-431.03(A)(2). This specifically includes situations in which the public body receives or discusses "information or testimony that is specifically required to be maintained as confidential by state or federal law." *Id.* This provision allows the use of an executive session whenever the public body intends to discuss or consider matters contained in records that are confidential by law. See Ariz. Att'y Gen. Ops. 190-058, 187-131. However, when confidential matters can be adequately safeguarded, the discussion may take place during a public meeting. *Cf.* Ariz. Att'y Gen. Op. 187-038 (medical records).

The record under consideration need not be expressly made confidential by statute, but rather may fall within the category of confidential records discussed in Chapter 6 of this handbook. For example, to preserve confidentiality, preliminary audit reports of state agencies prepared by the Auditor General are confidential and should be discussed by the public body in executive session. Ariz. Att'y Gen. Op. 180-035. Similarly, complaints against licensees investigated by a public body may be discussed in executive session. Ariz. Att'y Gen. Op. 183-006. In 2000, the Legislature revised the statute to allow public bodies to take testimony in executive sessions in certain situations. Public bodies should ensure that state or federal law requires that the public body maintain confidentiality of the information it receives before convening an executive session under A.R.S. § 38-431.03(A)(2). Written materials, however, do not become confidential merely because they are discussed in executive session.

7.9.5.3 Legal Advice. A public body may also go into executive session for the purposes of "discussion or consultation for legal advice with the attorney or attorneys of the public body." A.R.S. § 38-431.03(A)(3). For this exemption to apply, the attorney giving the legal advice must be the attorney for the public body. *Id.* For purposes of this discussion, the "attorney for the public body" means a licensed attorney representing the public body, whether that attorney is a full-time employee of the body, the attorney general or county, city, or town attorney responsible for representing the public body, an attorney hired on contract, or an attorney provided by an insurance carrier to represent the public body.

This provision authorizes consultations between a public body and its attorney. Accordingly, the only persons allowed to attend this executive session are the members of the public body, the public body's attorney, and those employees and agents of both whose presence is necessary to obtain the legal advice. See A.R.S. § 38-431(2). An attorney may attend in person or through other telecommunications technology, such as by telephone or video-conferencing. The mere presence of an attorney of the public body in the meeting room is not sufficient to justify the use of this executive session provision. *City of Prescott v. Town of Chino Valley*, 166 Ariz. 480, 485, 803 P.2d 891, 896 (1990). This provision can only be used for the purpose of obtaining "legal advice," which involves the exchange of communications between lawyer and client. Once the public body obtains the legal advice, the public body must go back into public session unless another executive

session provision applies and has been identified in the notice and motion for executive session. See *Id.* at 486, 803 P.2d at 897. Discussion between the members of the public body about what action should be taken is beyond the realm of legal advice, and such discussions must be held in public session.

7.9.5.4 Litigation, Contract Negotiations, and Settlement Discussions. A public body may hold an executive session for the purpose of "[d]iscussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation." A.R.S. § 38-431.03(A)(4). This provision allows consideration and instruction only—it does *not* allow a public body to conduct contract negotiations or settlement discussions in an executive session.

This provision is unique in that it permits a public body to give its attorneys instructions on how they should proceed in contract negotiations, pending or contemplated litigation involving the public body, and settlement discussions. In these limited situations, the public body must be able to discuss and arrive at some consensus on its position before it instructs its legal counsel. Executive session minutes must contain an accurate description of all instructions given. A.R.S. § 38-431.01(C). For example, the public body might authorize its attorney to settle a lawsuit on the most favorable terms possible up to a certain amount. Of course, if the attorney were to obtain an agreed settlement, the public body must formally approve it at a public meeting.

If legal action is necessary by the public body before its representative can take the directed action, the public body must vote on the matter in public session and cannot do so in executive session. See *Johnson v. Tempe Elementary School Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2000) (concluding that Board was required to vote in public session to authorize attorney to file notice of appeal). In order to preserve the confidentiality afforded by the Open Meeting Law, the best practice is for the public body, upon return to the open session, to vote to authorize its attorney to “proceed as instructed in the executive session.” The public body should provide more information when it is possible to do so without risking the confidentiality of the matter (such as instructing an attorney to file an appeal). For example, the public body could move for its attorney “to file a notice of appeal on the grounds specified in executive session” or “to make an offer for settlement of the claim in Case X within the parameters specified in executive session.” The public body should consult with legal counsel to determine the specificity required in such motions.

Like the provision that allows legal advice to be given in executive session, this provision requires that the attorney of the public body be present at the executive session. The attorney may attend in person or through other telecommunications technology, such as by telephone or video-conferencing. Similarly, the discussion in Section 7.9.5.3 of the definition of “attorney for the public body” also applies to this Section.

7.9.5.5 Discussions with Designated Representatives Regarding Salary Negotiations. A public body may hold an executive session for the purpose of "[d]iscussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body." A.R.S. § 38-431.03(A)(5). This provision permits a public body, in executive session, to consult and discuss with its representatives its position on negotiating salaries or compensation paid in the form of fringe benefits and to instruct representatives on how they should deal with the employee organizations. It does not authorize an executive session for purposes of meeting with the employees' representative. If the public body or any standing, special, or advisory committee or subcommittee of the public body conducts the negotiations, those negotiations must be conducted in a public meeting.

This provision also allows the public body to "instruct" its representatives. The discussion in Section 7.9.5.4 of the practice of confirming instructions in public session and the minute-taking requirements applies with equal force to this Section.

7.9.5.6 International, Interstate, and Tribal Negotiations. A public body may go into executive session for the purpose of "[d]iscussion, consultation, or consideration for international and interstate negotiations." A.R.S. § 38-431.03(A)(6). This provision does not apply to meetings at which the public body receives recommendations from representatives of federal agencies. Ariz. Att'y Gen. Op. 180-159.

This provision also permits a city or town, or its designated representatives, to enter into executive session with "members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town." A.R.S. § 38-431.03(A)(6). This is the only type of executive session in which negotiations with another party can take place.

7.9.5.7 Purchase, Sale or Lease of Real Property. A public body may meet in executive session to discuss and consult with its representatives concerning negotiations for the purchase, sale, or lease of real property. A.R.S. § 38-431.03(A)(7). This provision does not authorize an executive session for the purpose of meeting with representatives of the party with whom the public body is negotiating. For example, a school district violates open meeting laws by choosing a site for a proposed high school in executive session. *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 208, 76 P.3d 874, 882 (App. 2003). This provision permits the public body to instruct its representatives regarding the purchase, sale or lease of real property. For example, the public body can authorize its representative to negotiate up to a certain amount. Of course, the final contract must be approved by the public body in a public meeting.

This provision also allows the public body to "instruct" its representatives. The discussion in Section 7.9.5.4 of the practice of confirming instructions in public session and the minute-taking requirements also applies to this Section.

7.10 Public Participation and Access to Meetings.

7.10.1 Public Participation. While the public must be allowed to attend and listen to deliberations and proceedings taking place in all public meetings, A.R.S. § 38-431.01(A), the Open Meeting Law does not establish a right for the public to participate in the discussion or in the ultimate decision of the public body. Ariz. Att'y Gen. Op. 78-1. Other statutes may, however, require public participation or public hearings. For example, before promulgating rules, state agencies must permit public participation in the rule making process, including the opportunity to present oral or written statements on the proposed rule. See Chapter 11. See *also* Section 7.7.7 for a discussion of the authorization (but not requirement) for public bodies to use an open call to the public.

The Open Meeting Law does not prevent a public body from requiring persons who intend to speak at the meeting to sign a register so as to permit the public body to comply with the minute-taking requirements. See Section 7.8.2(6).

7.10.2 Public Access. The public body must provide public access to public meetings. See A.R.S. § 38-431.01(A). This requirement is not met if the public body uses any procedure or device that obstructs or inhibits public attendance at public meetings, such as holding the meeting in a geographically isolated location, in a room too small to accommodate the reasonably anticipated number of observers, in a place to which the public does not have access, such as private clubs, or at an unreasonable time. Relatedly, the public body must ensure that the public can observe and listen to the full contours of public meetings. For example, a public meeting in which the public cannot hear discussions by members of the public body because of the low volume of the microphone or speaker systems would likely violate the Open Meeting Law.

"All or any part of a public meeting . . . may be recorded by any person in attendance by means of a tape recorder or camera or other means of sonic reproduction." A.R.S. § 38-431.01(F). A public body may prohibit or restrict such recordings only if they actively interfere with the conduct of the meeting. *Id.*

In addition to complying with the Open Meeting Law, the notice and accommodations should conform with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 - 12213. See Section 15.27; see *also* section 7.6.3.2 (notice requirements relating to reasonable accommodations).

7.10.3 Remote Conferencing. If members of a public body are unable to be present in person at a public meeting, they may participate by telephone or video or internet conference if the practice is not prohibited by statutes applicable to meetings of the public body. Ariz. Att'y Gen. Ops. I08-008, I91-033, I83-135. In addition, nothing prohibits the public body from allowing people to attend meetings or to address the public body by telephone or through other telecommunications technology. See A.R.S. § 38-431(4). In order to comply with the requirements of the Open Meeting Law, the members of the public

body and the public must be able to hear the member of the public body that is attending by telephone or other technological device. The public body must also ensure that the members attending by telephone or other technological device can hear any discussion from the public body and other persons making statements to the body.

A public body should consider the following guidelines to minimize any difficulties arising from remote conferencing.

1. Notify the public body and the public by including a statement on the notice and the agenda that one or more members of the public body may participate by telephonic, video or internet communications. In the appropriate notice, insert the following after the first sentence: "Members of the [name of public body] may attend either in person or by telephone, video or internet conferencing."
2. Ensure that the public meeting place where the public body normally meets has facilities that permit the public to observe and hear all telephone, video or online communications.
3. Develop procedures to clearly identify members that are participating by telephonic, video or internet communications.
4. Identify in the minutes of the meeting the members who participated by telephonic or video communications.

7.11 Quorum. Arizona statutes generally define a quorum as a majority of the members of a board or commission. A.R.S. § 1-216(B). In applying the Open Meeting Law, this definition applies in the absence of a more specific definition.

7.12 Ratification. A public body may ratify action previously taken in violation of the Open Meeting Law. See A.R.S. § 38-431.05(B). Ratification is appropriate when the public body needs to retroactively validate a prior act in order to preserve the earlier effective date of the action. For example, a public body may be required by law to approve its budget by a certain date. If the public body discovered after the statutory deadline that its earlier approval violated the Open Meeting Law, it could face serious legal problems. Even if the body met quickly to properly approve the budget, the approval would not have been made prior to the statutory deadline. Accordingly, the 1982 amendments permit the public body to meet and approve retroactively the action previously taken—that is, to ratify its prior action.

7.12.1 Generally.

Ratification must take place “within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.” A.R.S. § 38-431.05(B)(1). This can be triggered in different ways. A judicial determination

that the public body took legal action in violation of public meeting laws triggers the thirty-day period. *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 208-210, 76 P.3d 874, 882-884 (App. 2003). However, it is not triggered by letters from attorneys notifying the board of their intent to challenge the legal action or by filing a lawsuit. *Id.* at 209, 76 P.3d at 883.

Ratification merely validates the prior action; it does not eliminate liability of the public body or others for sanctions under the Open Meeting Law, such as civil penalties and attorney's fees. Moreover, ratification under the Open Meeting Law may well fail to resolve other notice failure. For example, ratification under the Open Meeting Law may not resolve the specific notice requirements of a zoning or taxation statute.

A public body can take the same legal action at a subsequent properly noticed public meeting without following the ratification procedure, but the action will not have the earlier effective date. See *Cooper v. Arizona Western Coll. Dist. Governing Bd.*, 125 Ariz. 463, 468-469, 610 P.2d 465, 470-71 (App. 1980) (“We find no provision in the Arizona statutes relating to public meetings which precludes a public body from adopting at a subsequent public meeting action which was legally ineffective from a previous meeting of the public body.”)

7.12.2 Procedure for Ratification. The Open Meeting Law provides the following detailed procedure for ratification under A.R.S. § 38-431.05(B):

1. The decision to ratify must take place at a public meeting held in accordance with the Open Meeting Law.
2. Ratification must take place within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
3. The public notice of the meeting at which ratification is to take place, in addition to complying with the other requirements of the Open Meeting Law, see Sections 7.6 and 7.7, must include (a) a description of the action to be ratified, (b) a clear statement that the public body proposes to ratify a prior action, and (c) information on how the public may obtain a written description of the action to be ratified. See Form 7.12.
4. In addition to the notice and agenda of the meeting, the public body must make available to the public a detailed written description of the action to be ratified and a description of all prior deliberations, consultations, and decisions by members of the public body related to the action to be ratified.
5. The description required under paragraph 4 must be included as part of the minutes of the meeting at which the decision to ratify was made.

6. The public notice, agenda, and written description discussed in paragraphs 3 and 4 must be made available to the public at least seventy-two hours prior to the public meeting.

7.13 Sanctions for Violations of the Open Meeting Law.

7.13.1 Nullification. All legal action transacted by any public body during a meeting held in violation of any provision of the Open Meeting Law is null and void unless subsequently ratified. A.R.S. § 38-431.05(A). The procedures for ratification are described in Section 7.12.2. However, the Open Meeting Law does not render null and void all legal action taken at a meeting at which a violation occurs with respect to a single improperly noticed agenda item. Ariz. Att'y Gen. Op. I08-001.

The Arizona Supreme Court, however, has held that legal actions taken in violation of the Open Meeting Law are voidable at the discretion of the court. *Karol v. Bd. Of Educ. Trustees*, 122 Ariz. 95, 97, 593 P.2d 649, 651 (1979). In *Karol*, the court held that "a technical violation having no demonstrated prejudicial effect on the complaining party does not nullify all the business in a public meeting when to conclude otherwise would be inequitable, so long as the meeting complies with the intent of the legislature." *Id.* at 98, 593 P.2d at 652. This decision imposes a substantial compliance test and requires a weighing of the equities before a court will declare an action void. The decision, however, preceded the 1982 amendment to the Open Meeting Law which specifically authorized a procedure for ratification. It remains to be seen whether this change will cause the court to follow the literal language of the Open Meeting Law. Nevertheless, serious consequences flow from having an action of a public body declared void, and the public body should take every precaution to avoid even technical violations of the Open Meeting Law.

In some cases, the public body may have discussed a matter at an unlawful meeting, but thereafter met in a lawful open meeting at which it took a formal vote as its "final action." The Arizona Court of Appeals has held that the subsequent final action taken at a lawful meeting is not void. *Cooper v. Arizona Western Coll. Dist. Governing Bd.*, 125 Ariz. 463, 468-469, 610 P.2d 465, 470-71 (App. 1980); *Valencia v. Cota*, 126 Ariz. 555, 617 P.2d 63 (App. 1980). The public body taking the final action at the subsequent lawful meeting should make available at that time the substance of all discussions that took place at the earlier unlawful meeting. If the public body wishes to preserve the effective date of the earlier action rather than simply redecide the matter, it must go through the ratification process. See Section 7.12.

7.13.2 Investigation and Enforcement. The 2000 Legislature enacted substantial revisions to the Open Meeting Law, including extensive changes to the investigation and enforcement provisions. The Attorney General and County Attorneys are authorized to investigate alleged Open Meeting Law violations and enforce the Open Meeting Law. A.R.S. § 38-431.06.

The Open Meeting Law specifically provides that the Attorney General and County Attorneys shall have access to executive session minutes when they are investigating alleged violations of the Open Meeting Law. A.R.S. § 38-431.03(B)(4). The Open Meeting Law also provides that disclosure of executive session information (such as disclosure to the Attorney General) does not constitute a waiver of the attorney-client privilege and directs courts reviewing executive session information to protect privileged information. *Id.* § (F).

The investigative authority of the Attorney General and County Attorneys was strengthened by the 2000 Legislature. The Attorney General and County Attorneys may issue written investigative demands to any person, administer oaths or affirmations to any person for the purpose of taking testimony, conduct examinations under oath, examine accounts, books, computers, documents, minutes, papers and recordings, and require people to file written statements, under oath, of all the facts and circumstances requested by the Attorney General or County Attorney. A.R.S. § 38-431.06(B). If a person fails to comply with a civil investigative demand, the Attorney General or County Attorney may seek enforcement of the demand in Superior Court.

“Any person affected by an alleged violation of [the Open Meeting Law], the Attorney General or the County Attorney for the county in which the alleged violation ... occurred,” may file suit in superior court against a public body as a whole to require compliance with or prevent violations of the Open Meeting Law or to determine whether the law is applicable to certain matters or legal actions of the public body. A.R.S. § 38-431.07.

Additionally, when the provisions of the Open Meeting Law have been violated, a court of competent jurisdiction may issue a writ of mandamus requiring a meeting to be open to the public. A.R.S. § 38-431.04. A writ of mandamus is an order of the court compelling a public officer to comply with certain mandatory responsibilities imposed by law.

In 2007, in an effort to increase government awareness and provide the citizens of Arizona an effective and efficient means to get answers and resolve public access disputes, legislation expanded the Arizona Ombudsman-Citizens' Aide Office to provide free services to citizens and public officials regarding public access issues. The duties of the Ombudsman include: preparing materials on public access laws, training public officials, coaching, assisting and educating citizens, investigating complaints, requesting testimony or evidence, conducting hearings, making recommendations, and reporting misconduct. A.R.S. § 41-1376.01.

7.13.3 Civil Penalties. In addition to suits brought in order to require compliance with, prevent violations of, or determine the applicability of the Open Meeting Law, “[t]he attorney general may also commence a suit . . . against an individual member of a public body for a knowing violation of [the Open Meeting Law].” A.R.S. § 38-431.07(A). In such a suit, the court may impose a civil penalty not exceeding five hundred dollars for a second offense, and not exceeding two thousand five hundred dollars for third or subsequent offenses against each person who knowingly violates the Open Meeting Law. *Id.* This

penalty can also be assessed against a person who knowingly aids, agrees to aid or attempts to aid in violating the Open Meeting Law. *Id.* This penalty is assessed against the individual and not the public body, and the public body may not pay the penalty on behalf of, or otherwise reimburse, the person assessed. *Id.* If a “person who might otherwise be liable under [the Open Meeting Law] objected to the action of the public body and the objection is noted on a public record, the court may choose not to impose a civil penalty on that person.” *Id.*

7.13.4 Attorney's Fees. The court may also order payment of reasonable attorney's fees to a successful plaintiff in an enforcement action brought under the Open Meeting Law. A.R.S. § 38-431.07(A). Normally those fees will be paid by the state or political subdivision of which the public body is a part or to which it reports. *Id.* However, if the court determines that a public officer knowingly violated the Open Meeting Law "with intent to deprive the public of information," the court must assess all of the costs and attorney's fees awarded to the plaintiff against that public officer or the person who knowingly aided, agreed to aid or attempted to aid the public officer in violating the Open Meeting Law. *Id.* As in the case of an award of civil penalties, the public body may not pay such an award of attorney's fees assessed against the public officer individually. *See id.*

7.13.5 Expenditure for Legal Services by Public Body Relating to the Open Meeting Law. A public body may not retain counsel or expend monies for legal services to defend an action brought under the Open Meeting Law unless the public body has legal authority to make such an expenditure pursuant to other provisions of law and it approves the expenditure at a properly noticed open meeting prior to incurring the obligation. A.R.S. § 38-431.07(B).

7.13.6 Removal From Office. If the court determines that a public officer knowingly violated the Open Meeting Law "with intent to deprive the public of information," the court may remove the public officer from office. A.R.S. § 38-431.07(A).

Form 7.1

Disclosure Statement

Section 7.6.3.1

**STATEMENT OF LOCATIONS WHERE ALL NOTICES OF THE MEETINGS
OF THE [NAME OF PUBLIC BODY] WILL BE POSTED**

Pursuant to A.R.S. § 38-431.02, the [name of public body] hereby states that all notices of the meetings of the [name of public body] and any of its committees and subcommittees will be posted [identify the location where notices will be posted and include the hours during which such locations are open to the public, for example, "in the lobby of the State Capitol located at 1700 West Washington, Phoenix, Arizona, and at the press room of the State Senate Building, 1700 West Washington, Phoenix, Arizona. Both locations are open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m. except legal holidays."] Such notices will indicate the date, time, and place of the meeting and will include an agenda or information concerning the manner in which the public may obtain an agenda for the meeting.

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Form 7.2

Notice of Public Meeting of a Public Body

Sections 7.6.3, 7.7.4, 7.10.1

**NOTICE OF PUBLIC MEETING OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this ____ day of _____, 20____.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.3

Notice of Public Meeting of a Subcommittee or Advisory Committee of a Public Body

Sections 7.6.3, 7.10.1

NOTICE OF MEETING OF THE [NAME OF SUBCOMMITTEE OR ADVISORY COMMITTEE] OF THE [NAME OF PUBLIC BODY]

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of committee] of the [name of public body] and to the general public that the [name of committee] of the [name of public body] will hold a meeting open to the public on the [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.4

Notice of Regular Meetings of a Public Body

Sections 7.6.3, 7.6.6, 7.7.4, and 7.10.1

**NOTICE OF REGULAR MEETINGS OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02(F), notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold regular meetings on the [specific day of month] of each month during the year [year]. The meetings will begin at [time] and will be held at [exact location].

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this _____ day of _____, 20__.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.5

Notice of Meeting and Possible Executive Session of a Public Body

Sections 7.6.8 and 7.10.1

**NOTICE OF MEETING AND POSSIBLE EXECUTIVE SESSION OF THE
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location] for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the [name of public body], the executive session will be held immediately after the vote and will not be open to the public.

The agenda for the meeting is as follows:

[Include a general description of the matters to be discussed or considered, but exclude information that would defeat the purpose of the executive session. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), paragraph [list applicable provision].

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.6

Notice of Combined Public Meeting and Executive Session

Sections 7.6.8, 7.7.4, and 7.10.1

**NOTICE OF COMBINED PUBLIC MEETING AND EXECUTIVE SESSION OF
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location]. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) [specific paragraph that justifies the executive session], the [name of public body] may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

[List the specific matter to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda). Identify those matters that may be discussed or considered in executive session and identify the paragraph of A.R.S. § 38 -431.03(A) authorizing the executive session, but exclude information that would defeat the purpose of the executive session.]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.7

Sample Notice and Agenda of Public Meeting and Executive Session

Sections 7.6.4, 7.6.8, 7.7.2, 7.7.4, and 7.10.1

NOTICE AND AGENDA OF MEETING OF THE ARIZONA COMMISSION ON THE ENVIRONMENT

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona Commission on the Environment and to the general public that the Arizona Commission on the Environment will hold a meeting open to the public on January 21, 2000, beginning at 8:30 a.m. in Room 201, Health Building, 1740 West Adams, Phoenix, Arizona. As indicated in the following agenda, the Arizona Commission on the Environment may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

- I. Call to Order. (Chairman Smith)
- II. Approval of Minutes of October 19, 1999 Meeting.
- III. Committee Reports. (Oral reports of the following committees and discussion thereon.)
 1. Computer Committee. Report by the chair of the Commission's Advisory Committee on proposals for acquiring a new computer system for the Commission.
- IV. Personnel.
 1. Consideration of applicants for Director of the Commission. The Commission may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(1). The names of the applicants may be obtained by contacting the Commission's Executive Secretary.
 2. Selection of Director of the Commission. The Commission may defer a decision on this matter to a later date.
- V. Litigation.
 1. *State v. Acme Polluters*. Discussion and decision concerning possible settlement. The Commission may vote to discuss this matter with the Commission's attorneys in executive session pursuant to

A.R.S. § 38-431.03(A)(3) and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.

2. Instituting Litigation. Discussion with and instruction to the Commission's attorneys concerning the filing of an enforcement action against The Brown Corporation. The Commission may discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(2), (3), and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.

VI. Consent Agenda.

Approval of routine warrants, purchase orders, travel claims, employee leave and transfer requests, and employee resignations. (Documentation concerning the matters on the consent agenda may be reviewed at the Commission's office.) Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Commission member.

1. Approval of purchase order numbers 1204, 1205, and 1206 for purchase of computer equipment.
2. Approval of travel claims for employees John Q. Smith and Mary M. McGee.
3. Approval of resignation of Daniel Warren and resolution to thank Daniel Warren for ten years of service.

VII. Call to the Public.

This is the time for the public to comment. Members of the Board may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

VIII. Summary of Current Events.

The chief administrator, presiding officer or a member of the board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(K). The Board will not discuss or take action on any current event summary.

IX. Future Meeting Dates and Items for Future Agendas.

The Board may discuss future dates for meetings and direct staff to place matters on future agendas.

A copy of the agenda background material provided to Commission members (with the exception of material relating to possible executive sessions) is available for

public inspection at the Commission's office, Room 402, Health Building, 1740 West Adams, Phoenix, Arizona.

Dated this 7th day of January, 2000.

ARIZONA COMMISSION ON THE ENVIRONMENT

Chris Jones
Executive Secretary

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.8

Certification of Posting of Notice

Section 7.6.9

CERTIFICATION OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the attached notice was duly posted at [place] on [date and time] in accordance with the statement filed by the [name of public body].

Dated this ____ day of _____, 20__.

[name and title of person signing the certificate]

Form 7.9

Special Notice of Emergency Meeting

Section 7.7.9

**SPECIAL NOTICE OF AN EMERGENCY MEETING OF
[NAME OF PUBLIC BODY] HELD [DATE]**

Pursuant to A.R.S. § 38-431.02(D), notice is hereby given that an emergency session of the [name of public body] was held on [date, time, and exact location].

At the emergency session the [name of public body] [describe the specific matters discussed, considered, or decided, or in the case of matters considered in an emergency executive session, a general description of the matters considered, provided that no information is included that would defeat the purpose of the executive session].

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Form 7.10

Minutes of Public Meeting

Sections 7.8.1 and 7.8.2

**MINUTES OF PUBLIC MEETING OF THE
[NAME OF PUBLIC BODY] OF MEETING HELD [DATE]**

A public meeting of the [name of public body] was convened on [date, time, and exact location]. Present at the meeting were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. The following matters were discussed, considered, and decided at the meeting:

1. [Generally describe all matters discussed or considered by the public body.]
2. [Describe accurately all legal actions proposed, discussed, or taken, the names of persons who proposed each motion, and a record of how each member voted].
3. [Identify each person making statements or presenting material to the public body, making specific reference to the legal action about which they made statements or presented material.]
4. [Other required information. See Section 7.8.2(7), (8), (9).]

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Form 7.11

Minutes of Executive Session

Sections 7.8.1, 7.8.3

**MINUTES OF EXECUTIVE SESSION OF THE
[NAME OF PUBLIC BODY] HELD [DATE]**

An executive session of the [name of public body] was convened on [date, time, and exact location]. The [name of public body] voted to go into executive session at a public meeting on [date, time, and exact location]. Present at the executive session were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. Also attending the executive session were: [names of those present including the reasons for their presence, for example, attorney for the public body, etc.]

The following matters were discussed and considered at the meeting:

1. [Generally describe the matters discussed or considered by the public body.]
2. [Describe all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38-431.03(A)(4), (5) and (7).]
3. [If the executive session is held as an emergency session, include the statement of reasons for the emergency consideration. See Section 7.8.2(7).]
4. [Include such other information as the public body deems appropriate, including information necessary to establish that executive session was proper and appropriate. See Section 7.8.3(5).]

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Form 7.12

Notice of Action to be Ratified

Sections 7.6.4, 7.10.1, and 7.12.2

**NOTICE OF PUBLIC MEETING OF THE [NAME OF PUBLIC BODY]
FOR THE PURPOSE OF RATIFYING PAST ACTION TAKEN
IN VIOLATION OF OPEN MEETING LAW**

Pursuant to A.R.S. § 38-431.05, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The purpose of the meeting is to ratify an action of the [name of public body] that may have been taken in violation of the Open Meeting Law. This action involved:

[Describe the action.]

The public may obtain a detailed written description of the action to be ratified, and all deliberations, consultations, and decisions by members of the public body that preceded and relate to this action to be ratified at [identify the location and include hours] at least 72 hours in advance of the meeting.

Dated this ____ day of _____, 20__.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Form 7.13

Employee Notice of Executive Session

Section 7.9.4

[DATE]

[Name and Address of Officer
or Employee who is the subject
of discussion at the executive
session]

Dear [Name of employee]:

This is to advise you that the [name of public body] will meet in executive session at its next meeting on [date, time, and exact location] to discuss [describe nature of matters to be discussed or considered]. You may request that the discussion take place during the [name of public body's] public meeting rather than in executive session, by contacting the undersigned not later than [date and time by which notification must be given*].

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Very truly yours,

[authorized signature]

* Since the public body must post its notice of either a public meeting or an executive session at least twenty-four hours before the meeting, the deadline for the employee to exercise his or her right to demand a public meeting must be more than twenty-four hours before the meeting.

CHAPTER 8
CONFLICT OF INTEREST

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Appendix 8.1	Conflict of Interest Disclosure Memorandum

CHAPTER 8

CONFLICT OF INTEREST

Arizona law requires public officers and employees to avoid conflicts of interest that might influence or affect their official conduct. Determining whether a conflict of interest exists requires public officers and employees to evaluate statutorily-established standards and exceptions to determine whether their personal interests, or those of certain family members, result in a conflict of interest. This Chapter provides general guidelines to assist public officers and employees to determine when conflicts of interest exist, and to avoid conflicts before they arise. The Handbook does not address every situation that may qualify as a conflict of interest, and does not address all specialized conflict of interest prohibitions that may apply to public officers and employees of particular state entities. Public officers and employees should consult with assigned agency counsel concerning conflicts of interest not specifically addressed in this Chapter.

8.1 Scope of this Chapter. This Chapter addresses the statutory conflict of interest laws contained in A.R.S. §§ 38-501 to -511, as well as the incompatibility doctrine. These statutes set the minimum standards expected of public officers and employees who, in their official capacities, are faced with a decision or contract that might affect their pecuniary or proprietary interests or those of a relative.

8.2 The Arizona Conflict of Interest Laws. Arizona law requires a public officer or employee who has a conflict of interest to disclose the interest and refrain from participating in the matter:

- A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.
- B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

A.R.S. § 38-503.

8.2.1 Purpose of the Conflict of Interest Laws. “The object of conflict of interest statutes is to remove or limit the possibility of personal influence which might bear upon an official’s decision.” *Yetman v. Naumann*, 16 Ariz. App. 314, 317, 492 P.2d 1252, 1255 (1972). Arizona’s conflict of interest laws serve to prevent self-dealing by public officials. *Maucher v. City of Eloy*, 145 Ariz. 335, 338, 701 P.2d 593, 596 (App. 1985). The financial interests of public officers or employees must not conflict with the unbiased performance of their public duties because “one cannot serve two masters with conflicting interests.” *Id.* Public officials should avoid situations where their professional or financial concerns might conflict with the unbiased performance of their duties. *Id.*; see generally *United States v. Miss. Valley Generating Co.*, 364 U.S. 520, 549 (1961) (“The statute is thus directed not only at dishonor, but also at conduct that tempts dishonor. This broad proscription embodies a recognition of the fact that an impairment of impartial judgment can occur in even the most well-meaning men when their personal economic interests are affected by the business they transact on behalf of the Government.”).

8.2.2 Scope of Application. The conflict of interest prohibitions “apply to all public officers and employees of incorporated cities or towns, of political subdivisions and of the state and any of its departments, commissions, agencies, bodies or boards.” A.R.S. § 38-501(A). Essentially, A.R.S. §§ 38-502 through -511 supersede any local charter or local ordinance. A.R.S. § 38-501(B). Any other State statutes on specific conflicts of interest are in addition to the conflict of interest provisions set forth in Title 38. A.R.S. § 38-501(C).

8.2.3 Public Officers. The term “public officer” includes “all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute,” regardless of whether they are paid for their services. A.R.S. § 38-502(8). Members of advisory commissions, boards, councils, and committees (such as the Health Advisory Council) are public officers as that term is used in the conflict of interest laws. Ariz. Att’y Gen. Op. 175-211; see also Ariz. Att’y Gen. Ops. 182-105, 188-014, 189-067. All elected officials at the state or local level and directors of state agencies are public officers for the purposes of the conflict of interest laws. For example, the Director of the Department of Health Services is appointed by the Governor and is therefore an appointed officer of a public agency established by state statute and is covered by the conflict of interest laws. A.R.S. § 36-102. Although the members of the Legislature are subject to the requirements of A.R.S. §§ 38-501 through -511, they are also governed by a separate code of ethics adopted by the ethics committees in the Senate and the House of Representatives. See A.R.S. § 38-519.

The members of Arizona’s many regulatory boards are also public officers covered by the conflict of interest laws, whether they are paid for or volunteer their services. A.R.S. § 38-502(6), (8). Because of their familiarity with the special areas they regulate or advise, board members may have professional or social ties with the persons they license, regulate, or discipline. Board members should therefore be sensitive to potential conflicts of interest and appearances of impropriety. Conflict of interest rules may have a constitutional, as well as statutory, basis because due process requires that members of a regulatory board not have a direct interest in their decisions affecting licensees or other regulated entities. See *Tumey v. Ohio*, 273 U.S. 510, 532 (1927).

8.2.4 Public Employees. Anyone employed "by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration," whether on a full-time, part-time, or contract basis, is considered an employee for the purposes of the conflict of interest laws. A.R.S. § 38-502(2). For example, a consultant hired by the Department of Transportation to make recommendations regarding the route of an interstate highway would be covered by the conflict of interest laws. The consultant would be prohibited from making recommendations if he or she owned or had an interest in a parcel of land that might be affected by the Department's decision concerning the route of the interstate highway. See Ariz. Att'y Gen. Op. 189-067.

8.2.5 Relatives. The conflict of interest laws require an examination of proprietary and pecuniary interests of the public officer or employee and certain relatives of the officer or employee. A.R.S. § 38-503(A) and (B). "Relative" is defined expansively to include "the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse." A.R.S. § 38-502(9).

Public officers and employees must recognize that even if they do not have a substantial interest in a decision or a contract, if one of their relatives described in A.R.S. § 38-502(9) does have a substantial interest, the public officer or employee must disclose the interest and refrain from participating in the matter. A.R.S. § 38-503(A) and (B). Even negligence in failing to comply with the conflict of interest law can trigger serious consequences. See, e.g., A.R.S. § 38-510(A)(2)(reckless or negligent violation of the law constitutes a class 1 misdemeanor). A public officer or employee has an obligation to become aware of the interests of relatives in matters in which the officer or employee may become involved.

8.3 Substantial Interest. To determine whether a conflict of interest exists, a public officer or employee must first evaluate whether the official or the official's relative has a "substantial interest" in the matter under consideration. An interest is "substantial" if it is not defined by statute as "remote" and if it is "any pecuniary or proprietary interest, either direct or indirect," of public officers or employees or of their relatives. A.R.S. § 38-502(11). The term "interest" does not mean a mere abstract interest in the general subject or a contingent interest but is "a pecuniary or proprietary interest, by which a person will gain or lose something, as contrasted with a general sympathy, feeling or bias." *Yetman v. Naumann*, 16 Ariz. App. 314, 317, 492 P.2d 1252, 1255 (1972). "[T]o violate the conflict of interest statute, a public official must have a non-speculative, non-remote pecuniary or proprietary interest in the decision at issue." *Hughes v. Jorgenson*, 203 Ariz. 71, 74-75, 50 P.3d 821, 824-25 (2002) (neither county sheriff nor his sister had a substantial interest in the sister's possible criminal prosecution); compare Ariz. Att'y Gen. Op. 103-005 (school district governing board member whose employer is a public utility that supplies natural gas to areas in the district must refrain from participating in any discussions or decisions concerning the choice of power to district schools when the board member's employer is a potential supplier), with Ariz. Att'y Gen. Op. 101-009 (because school board members have no pecuniary or proprietary interest in retaining an elected

governing board position, they do not have a conflict of interest that would preclude them from voting on a district unification issue that would result in loss of their position).

The Legislature has determined that certain economic interests are so remote that they do not impermissibly influence a person's decisions or actions. These "remote interests" are listed in A.R.S. § 38-502(10). Unless the interest at issue falls within one of the statutorily specified situations declared by the Legislature to be remote, the interest is substantial and creates a conflict of interest. *Yetman*, 16 Ariz. App. at 317, 492 P.2d at 1255.

To determine whether a substantial interest exists, the public officer should ask:

1. Could the decision affect, either positively or negatively, an interest of the officer or employee or the officer's or employee's relative?
2. Is the interest a pecuniary or proprietary interest? Could it affect a financial interest or ownership interest?
3. Is the interest something that is not statutorily designated as a remote interest?

If the answer to each of these questions is yes, then a substantial interest exists that requires disclosure and disqualification by the public officer or employee. The public officer or employee must file a conflict of interest form which fully discloses the substantial interest with the appropriate agency or governmental unit, and must refrain from participating in any manner in discussions or decisions relating to the matter.

8.4 Remote Interests.

8.4.1 Generally. A.R.S. § 38-502(11) excludes from the definition of a substantial interest the ten remote interests enumerated in A.R.S. § 38-502(10). If an interest is classified as "remote," the officer or employee need not disclose it and may participate in the agency's action or decision. See A.R.S. § 38-503. A public officer or employee who has any pecuniary or proprietary interest in a decision or contract not covered by one of the statutorily-designated remote interests would have a substantial interest that requires the officer or employee to disclose the interest and refrain from all participation in the decision or contract. A.R.S. §§ 38-502(11), -503(A) and (B). Because a thorough understanding of the remote interests is essential in determining whether the conflict of interest laws apply in a given situation, the remote interests are discussed separately in Agency Handbook Sections 8.4.2 to 8.4.11.

8.4.2 Nonprofit Corporations. If the public officer or employee or a relative is a non-salaried officer of a nonprofit corporation, he or she has a remote interest in any decision affecting that corporation. A.R.S. § 38-502(10)(a).

8.4.3 Landlord/Tenant of a Contracting Party. If the public officer or employee or a relative is a landlord or tenant of a party contracting with an agency, the officer or employee has a remote interest in a decision regarding the contract. A.R.S. § 38-502(10)(b).

8.4.4 Attorney of a Contracting Party. If the public officer's or employee's relative represents a client contracting with the officer's or employee's agency, he or she has a remote interest in any agency decision affecting the client's contract. A.R.S. § 38-502(10)(c). For example, if the Department of Economic Security is considering awarding a contract to a day care center, and that day care center is represented by an attorney who is related to the Director of the Department of Economic Security, the Director's interest in the awarding of the contract is remote.

8.4.5 Nonprofit Cooperative Marketing Associations. If the public officer or employee or a relative is a member of a nonprofit cooperative marketing association, he or she has a remote interest in any decision affecting that association. A.R.S. § 38-502(10)(d).

8.4.6 Insignificant Stock Ownership. If the public officer or employee or a relative owns less than three percent of the shares of a corporation for profit, and if the income from those shares or any other payments made by the corporation to the public officer or employee or relative does not exceed five percent of the person's total annual income, he or she has a remote interest in any decision affecting that corporation. A.R.S. § 38-502(10)(e).

8.4.7 Reimbursement of Expenses. If the public officer or employee is reimbursed for actual and necessary expenses incurred in the performance of official duties, he or she has a remote interest in any decision affecting that reimbursement. A.R.S. § 38-502(10)(f).

8.4.8 Recipient of Public Services Generally Available. If the public officer or employee or a relative is a recipient of public services provided by the governmental agency of which he or she is employed, and if those services are available on the same terms to the general public, the public officer or employee has a remote interest in any decision affecting those services. A.R.S. § 38-502(10)(g). For example, employees of the Department of Transportation may participate in decisions regarding the building of highways because the use of the highways is a service provided on the same terms and conditions to persons who are not officers or employees of the Department of Transportation. However, if the decision concerns the building of a highway adjacent to property owned by an employee, the employee could be said to have a substantial interest and may not participate in it. See A.R.S. § 38-502(11).

8.4.9 Relatives of School Board Members. If a school board member has a relative, other than a dependent as defined in A.R.S. § 43-1001, or a spouse, who has a substantial interest in a decision made by the school board, then the interest is remote, and the school board member is not barred from participating in the decision. A.R.S. § 38-502(10)(h). For example, if a school board member votes on teachers'

contracts for the district and has a relative, other than a spouse or dependent, who is a teacher in the district, the board member's interest is remote, and he or she may participate in the decision. See Ariz. Att'y Gen. Op. I00-013. However, if the school board member's dependent is a teacher covered by the contract, the board member must then disclose his or her dependent's interest and refrain from participating in the decision, because the interest is no longer remote. A.R.S. § 38-502(11). Section 38-503(D) prohibits the governing board of a school district or community college district from employing a person who is a member of a governing board or who is the spouse of a member of the governing board. See also A.R.S. §§ 15-421(D), -1441(H).

8.4.10 Interests of Other Agencies. A public officer or employee may participate in a decision that indirectly affects a relative who is an officer or employee of another public agency or political subdivision. A.R.S. § 38-502(10)(i),(i)-(ii). For example, the head of the state agency responsible for allocating funds to local governments could participate in such decisions even though his or her spouse was an officer or employee of the local government. If, however, the decision confers a direct economic benefit or detriment to the spouse, such as a decision to terminate funding for a program which would result in the termination of a spouse's employment by the local government, a conflict of interest is present. Ariz. Att'y Gen. Op. I87-051.

8.4.11 Class Interests. If the public officer or employee or a relative is a member of a trade, business, profession, or other class of persons consisting of at least ten members, and his or her interest is no greater than the interest of the other members of the class, the public officer or employee has a remote interest in any decision affecting the class. A.R.S. § 38-502(10)(j). For example, if members of the State Board of Dental Examiners were considering approving a rule prohibiting certain types of advertising, the interest of the dentists on the Board in the decision would be no greater than that of other licensed dentists and, therefore, they would not have to disclose the interest and would be allowed to participate in the decision regarding that rule. See, e.g., Ariz. Att'y Gen. Op. I79-142.

However, if a board member's judgment on a board matter is affected by the special interest of the professional association, a conflict of interest could arise. For example, in *Gibson v. Berryhill*, 411 U.S. 564 (1973), the Alabama Board of Optometry, which was comprised solely of independent practitioners, was disqualified from deciding whether optometrists employed by corporations engaged in unprofessional conduct because they were aiding and abetting the illegal practice of optometry. The Alabama District Court determined that the corporation, Lee Optical, "did a large business in Alabama, and that if it were forced to suspend operations the individual members of the Board, along with other private practitioners of optometry, would fall heir to this business." See *Gibson v. Berryhill*, 411 U.S. 564, 571 (1973). The U.S. Supreme Court affirmed the district court's determination that the pecuniary interests of the members of the Alabama Board of Optometry were sufficient to disqualify them. See *Gibson v. Berryhill*, 411 U.S. 564, 579 (1973).

8.5 Contracts for Supplies or Services. If a public officer or employee wishes to supply goods or services to his or her agency, the contract must be awarded pursuant to

public competitive bidding. A.R.S. § 38-503(C). This requirement of public competitive bidding is in addition to the disclosure and non-participation requirements discussed in Section 8.6. The public competitive bidding requirement does not apply to school district governing boards in the limited situations specified in A.R.S. § 38-503(C) (1). A.R.S. § 38-503(C) requires school districts to follow public competitive bidding procedures for all procurements between school districts and their employees, however, regardless of the dollar amount involved and regardless of the source of the funds. Ariz. Att'y Gen. Op. 106-002.

Although the competitive bidding requirements of A.R.S. § 38-503(C) do not generally apply to corporations, a public officer or an employee who sells supplies or services to the agency may not evade the bidding requirements of A.R.S. § 38-503(C) by forming a corporation that is the alter ego of the officer or the employee to avoid public competitive bidding. Ariz. Att'y Gen. Op. 186-036.

8.5.1 Contracts Made by Spouses of Public Officers or Employees. Although A.R.S. § 38-503(C) prohibits public officers and employees from supplying equipment, materials, supplies, or services to the public agency except pursuant to an award or contract let after public competitive bidding, such restrictions do not apply to the spouse of the officer or employee. However, the public officer or employee must disclose the interest and refrain from any involvement in the matter. Ariz. Att'y Gen. Op. 199-020.

8.6 Strict Compliance. Once a public officer or employee determines that a substantial interest may be affected, the officer or employee must disclose the interest and withdraw from all participation in the decision or contract. A.R.S. § 38-503(A), (B). Even though public officers or employees may believe that they can be objective in making a decision and that the public interest would not be harmed by their participation, they do not have discretion to ignore the statutory mandate.

Arizona's conflict of interest statutes are broadly construed in favor of the public, and the Legislature has provided substantial civil and criminal penalties for failure to comply with the statutory mandates. See Agency Handbook Sections 8.16.1 - 8.16.4.

8.7 Disclosure of the Interest. Every political subdivision and public agency subject to A.R.S. §§ 38-501 to -511 must "maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article [A.R.S. §§ 38-501 to - 511]." A.R.S. § 38-509. Any public officer or employee who has a conflict of interest in any agency decision or in the award of a contract *must* provide written disclosure of that interest in the agency's special conflict of interest file. A.R.S. § 38-503(A), (B). The officer or employee may either file a signed written disclosure statement fully disclosing the interest or file a copy of the official minutes of the agency which fully discloses the interest. A.R.S. §§ 38-502(3). See, e.g., Appendix 8.1 (Sample Disclosure Memorandum).

Once the public officer or employee has disclosed the conflict of interest and withdrawn from participation in the matter, the employee or officer must not communicate

about the matter with anyone involved in the decision-making process in order to avoid a violation of A.R.S. § 38-503(A) or (B) and the appearance of impropriety.

8.8 Rule of Impossibility. In the unlikely situation that a public agency cannot act because most of its members have a conflict of interest, members may participate in the agency's decision after making known their conflicts of interest in the agency's official records. A.R.S. § 38-508(B). This is referred to as "the rule of impossibility." It is important to note that before the rule of impossibility will apply to a multi-member board or commission, the majority of the entire membership of the board or commission must be unable to participate because of conflicts of interest. The rule of impossibility may not be invoked if merely a quorum of the public body is present and unable to act because of conflicts. In those cases, the public agency must reconvene to take up the matter when all the members are present.

8.9 Other Conflict of Interest Laws. In addition to the general conflicts statutes found at A.R.S. §§ 38-501 to -511, other state statutes impose specific conflict of interest prohibitions on public officers and employees. Examples of these restrictions include: A.R.S. § 4-114(A) (prohibiting members of the Liquor Board, the Liquor Superintendent, or employees of the Department of Liquor Licenses and Control from having a financial interest in businesses licensed to deal in spirituous liquors); A.R.S. §§ 5-103(C)-(E), -103.01 (prohibiting members, employees, or appointees of the Racing Commission or department from holding certain interests in the racing industry or engaging in certain activities); A.R.S. § 6-113(A) (prohibiting the Banking Superintendent and personnel of the Banking Department from engaging in certain business dealings or being employed by financial institutions under the jurisdiction of the Banking Department); A.R.S. § 16-531(D) (prohibiting election-related board members from being a federal, state, county, or precinct officer or a candidate for office at the election); A.R.S. § 20-149(A) (prohibiting the Director of the Department of Insurance and other Department of Insurance personnel from having a financial interest, except as a policyholder or a claimant under a policy, in an entity regulated by the department); A.R.S. § 35-705 (prohibiting board members of a municipal or county industrial development authority from being an officer or employee of the authorizing county or municipality); A.R.S. § 37-132(C) (prohibiting the Commissioner, any deputy or employee of the Land Department from owning or acquiring any interest in state lands, the products on state lands, improvements on leased state lands, or an interest in any state irrigation project affecting state lands); A.R.S. § 38-481 (prohibiting public officials from appointing relatives to paid public service positions in any department of the government of which the public official is a member, or to appoint, vote for or agree to appoint or work for any person in consideration of the appointment of a relative).

Public officers or employees should refer to the statutes governing their particular agency for specific provisions regarding standards of conduct for that agency and its officers and employees.

8.10 Incompatibility of Public Offices. A.R.S. § 38-601 prohibits public officers and employees from receiving any salary in excess of the salary provided by law for their position. This statute does not prohibit compensation for two separate public positions, provided that the two positions are not incompatible and the compensation for the second

position is not payable for performance of the regular duties of the first position. Ariz. Atty. Gen. Op. 188-032; see also Ariz. Atty. Gen. Ops. 188-025 and 187-049. If the two offices are incompatible, however, then the common-law doctrine of incompatibility of public offices prohibits an officer holding one public office from accepting a second public office and retaining both positions. *Perkins v. Manning*, 59 Ariz. 60, 69, 122 P.2d 857, 861 (1942); *Coleman v. Lee*, 58 Ariz. 506, 513, 121 P.2d 433, 436-37 (1942). Offices are incompatible when the duties conflict or it is physically impossible to perform the duties of both positions, and when that is the case, acceptance of the second office automatically vacates the first position. *Perkins*, 59 Ariz. at 70, 122 P.2d at 862 .

8.11 Representation of Others After Leaving Public Service. State law also places restrictions on representation of others when a public officer or employee departs from state service. In particular, A.R.S. § 38-504(A) provides:

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 such 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.

For example, a Corporation Commission employee who was materially involved in a utility rate hearing involving a public service corporation may not represent that corporation before the Commission for one year after the employee has resigned from state service.

8.12 Disclosure or Use of Information Declared Confidential by Law. During the course of employment and for two years thereafter, public officers and employees are prohibited from disclosing or using, without appropriate authorization, any information acquired in the course of their official duties designated as confidential or information made confidential by statute or rule. A.R.S. § 38-504(B). An example of such information is confidential tax information provided to an Assistant Attorney General for the limited uses specified in A.R.S. § 42-2003. For a list of other information that is confidential as a matter of law, see Agency Handbook Chapter 6, Appendix 6.1 and 6.2.

8.13 Disclosure or Use of Information Made Confidential By Agency Action. Public officers and employees also are prohibited from disclosing or using for profit information that is designated confidential, other than by statute or rule, and which they obtained from their agency as a result of their employment or service with the agency. A.R.S. § 38-504(B). The prohibition exists during the course of employment and for two years after employment has terminated, unless authorization from the agency has been obtained. *Id.* For example, if during the course of employment, a former employee of the Department of Health Services acquired information the Department had designated as confidential, the employee may not disclose the information or use it for personal profit for two years after termination of employment or service with the Department.

The prohibition includes either disclosing or using confidential information. *Id.* Thus, even though a public officer or employee does not benefit or profit from the disclosure, A.R.S. § 38-504(B) prohibits them from disclosing the confidential information for the statutory period.

8.14 Improper Use of Office for Personal Gain. Public officers and employees are prohibited from using or attempting to use their official position to secure valuable things or benefits for themselves that would not be part of their normal compensation for performing their duties. A.R.S. § 38-504(C). It is a class 4 felony for a public servant to solicit, accept, or agree to accept any benefit upon an understanding that his or her vote, opinion, judgment, or other official action may thereby be influenced. A.R.S. § 13-2602. It is a class 6 felony for a public officer to ask for, or to receive, any unauthorized gratuity or reward or promise of a gratuity or reward for doing an official act. A.R.S. § 38-444. For example, if a member of the Racing Commission offered to support an application for a permit to conduct horse racing in return for a gift of a thoroughbred horse, the commission member would violate the above-referenced criminal laws as well as the conflict of interest laws. A criminal violation of A.R.S. § 38-504(C) requires an action related to the public officer's official duties. *State v. Ross*, 214 Ariz. 280, 285-86, 151 P.3d 1261, 1266-67 (App. 2007) (defendant county assessor's use of publicly available information from his agency to further his own business purposes did not violate conflict of interest prohibition because it did not involve any action related to his duties as a public officer).

8.15 Receiving Additional Income for Services. Public officers and employees are prohibited from agreeing to receive or receiving, either directly or indirectly, compensation other than as provided by law for services they render in any case, proceeding, application, or other matter pending before the public agency for which the officer or employee serves. A.R.S. § 38-505(A).

8.16 Sanctions for Violations.

8.16.1 Criminal Penalties. Knowingly or intentionally violating any provision of the conflict of interest laws is a class 6 felony. A.R.S. § 38-510(A)(1).

Negligent or reckless violation of the law is a class 1 misdemeanor. This means that public officers or employees may be prosecuted if they fail to disclose a conflict of interest of which they should have known. A.R.S. § 38-510(A)(2).

Knowingly falsifying, concealing, or covering up a material fact as part of a scheme to defraud in any matter related to the business conducted by a state agency or any political subdivision of the state is a class 5 felony. A.R.S. § 13-2311(A).

8.16.2 Forfeiture of Public Office. Upon conviction of a violation of A.R.S. § 503-505 a public officer or employee forfeits the public office or employment. A.R.S. § 38-510(B).

8.16.3 Contract Cancellation. Any contract made by the state or any of its departments or agencies may be cancelled within three years after its execution if anyone significantly involved in the contract process on behalf of the state is also an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract while the contract or contract extension is in effect. A.R.S. § 38-511(A). A person who had a significant role on behalf of the state in the contract's negotiation or drafting may, however, serve as a consultant to another party to the contract in unrelated matters without subjecting the contract to cancellation. Ariz. Att'y Gen. Op. I08-010.

In addition, any contract entered into by a public agency in violation of the conflict of interest laws is voidable at the option of the agency. A.R.S. § 38-506(A). In *Maucher v. City of Eloy*, 145 Ariz. 335, 337-38, 701 P.2d 593, 595-96 (App. 1985), the Arizona Court of Appeals held that the City of Eloy was entitled to void a contract with an engineer and the City because the contract was awarded without public competitive bidding and was entered into in violation of Arizona's conflict of interest laws. The court ruled that the engineer could not recover his losses under the cancelled contract. *Id.* ("It is clear in Arizona that ' . . . the letting of contracts for public business should be above suspicion or favoritism.'") (quoting *Brown v. City of Phoenix*, 77 Ariz. 368, 377, 272 P.2d 358, 367 (1954)).

A public agency may also recover any consideration or payments that it has paid to the public officer or employee under the contract, without restoring the benefits received by the agency under the contract. A.R.S. § 38-511(E). This is true even though no actual fraud or dishonesty was involved on the part of the public officer or employee. *Maucher*, 145 Ariz. at 337-38, 701 P.2d at 595-96.

8.16.4 Private Citizen Suits. Any person who is affected by a public agency's decision made in violation of the conflict of interest laws may sue to have the contract or decision declared null and void. A.R.S. § 38-506(B). The court may award costs and attorney's fees to the prevailing party. A.R.S. § 38-506(C). Persons claiming that a public officer, employee, or board member had a pecuniary interest in making a decision against them may also file suit in state or federal court alleging a violation of their civil rights pursuant to 42 U.S.C. § 1983.

APPENDIX 8.1

CONFLICT OF INTEREST DISCLOSURE MEMORANDUM

Section 8.7

TO: (Name and position of Public Agency Supervisor)
FROM: (Name and position of employee or officer)
RE: CONFLICT OF INTEREST DISCLOSURE PURSUANT TO
A.R.S. §§ 38-501 to -511

1. Identify the decision, case investigation, or other matter in which you or your relative may have a "substantial interest" under A.R.S. §§ 38-501 to -511.

(use as much space as necessary)

2. Describe the "substantial interest" referred to above.

(use as much space as necessary)

Statement of Disqualification

To avoid any possible conflict of interest under A.R.S. §§ 38-501 to -511, I will refrain from participating in any manner in the matter identified above.

Date

Signature

cc: (supervisors)



YOU AS A PUBLIC OFFICIAL

YOU AS A PUBLIC OFFICIAL

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INTRODUCTION

Congratulations on making the choice to serve your community as an elected official. As a mayor or member of your city or town council, you are putting into action the best principles of our form of government. You are continuing in the tradition of citizen lawmakers, people who are willing to give up their time and privacy, and apply their experience and knowledge to the business of making public policy choices for their communities.

Holding public office is an honor but it comes with certain legal responsibilities that can be a challenge. As an elected official, you need to know and understand the various Arizona laws that apply to your conduct in office and how to comply with them.

This report is designed to assist you in meeting that challenge. Seven topics are included: open meetings; conflict of interests; public records; incompatibility of offices; nepotism; financial disclosure; and limitations on entertainment. These laws apply not only to elected officials, but also appointed officials (city or town staff) with the exception of the final one - limitations on entertainment - which only applies to elected officials.

The life of a public official is not an easy one. In addition to the challenges of making good decisions for the future of your community, you must be careful to not violate state laws in the course of your service on the city or town council. These laws, like the seven highlighted in this report, continually affect the decision-making process. While very few public officials ever intend to violate the law in the conduct of their duties, good intentions alone (such as, "but I didn't **mean** to violate the law") are not enough. Even well-intentioned elected officials who violate the law may face stiff penalties. Therefore, it is in your own self-interest as well as the interest of your city or town to be familiar with the laws governing your conduct in public office.

We hope you will take the time to read this report and retain it for future reference. Most importantly we hope this report will prompt you to discuss each of these laws with your city or town attorney. This report is not intended to replace the need for you to review these laws with your local attorney; it's really only a starting point for discussion of your particular situation in your city or town.

OPEN MEETING LAW

GENERAL PROVISIONS¹ - The operation of government and the activities, decisions and policies of government officials are issues of concern to the general public. The public has a right to expect—and state law demands—adherence to an important and distinct principle: **THE PUBLIC'S BUSINESS MUST BE CONDUCTED IN PUBLIC!**

The Arizona Legislature has declared its policy concerning open meetings very clearly:

“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. Toward this end, any person or entity charged with the interpretations of this [law] shall construe any provision of this [law] in favor of open and public meetings.”²

State law requires that all public officials elected or appointed to a public body review Open Meeting Law materials prepared by the attorney general at least one day before taking office. The Open Meeting Law materials from the attorney general's office are to be posted on the public body's website.³

Arizona's Open Meeting Law (Law) provides very simply that, with a few limited exceptions, all meetings of a public body shall be open to all persons desiring to attend and listen to the deliberations and proceedings.⁴ The Law defines a "meeting" as "the gathering, in person or through technological devices of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action." The definition of a meeting also includes "electronic communications that propose legal action, including one-way communication from one member to a quorum of members of a public body or an exchange of electronic communications among a quorum of the public body."⁵ Technological devices include but are not limited to e-mail, website, blogs, tweets, Facebook, telephone and video conferences and similar technologies. The label attached to a particular meeting does not alter application of the Law. Whether the meeting is referred to as regular or special, workshop or study session, the Law's requirements must be met. A meeting may also occur when less than a quorum of the council discusses a matter of city or town business and one or more members later discusses the matter with another member of the council. The only exception to the public meeting requirement is an executive session, which is discussed later.

Members of the public body may express an opinion or discuss an issue with members of the public outside of a meeting without violating the Law. Examples of this would include a person to person conversation, through the media or other form of public broadcast communication or through technological means if the opinion or discussion is not principally directed at or directly given to another member of the public body, or if there is no concerted plan to engage in collective deliberation to take legal action.⁶ The attorney general has determined that an individual member of the public body may speak to the media about an issue that may come before the public body without violating the Law.⁷

"Public body" is defined as: "the Legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article."⁸

This broad definition includes planning and zoning commissions, boards of adjustment, state licensing boards, library boards, and school boards. It also includes advisory committees and subcommittees created by action of the mayor and council, even if no member of the original appointing public body is a member of the advisory group.⁹

PUBLIC NOTICES OF MEETINGS - The Law requires a public body to give advance notice of every public meeting and executive session to the general public and to each member of the public body. In giving notice, the first step is to conspicuously post on the city/town website or on the League's website a statement identifying where notices of the meetings of the public body will be posted, including physical and electronic locations.¹⁰

Once this statement has been posted, the Law requires the public body post notice of each of its meetings in accordance with the statement and "give such additional public notice as is reasonable and practicable."¹¹ Notice of individual meetings is not necessary if the public body intends to meet at a regular day, time, and place and chooses to post one notice of all of its meetings during a specified time period.¹² Such notice must be posted at the beginning of the period and specify the period covered.

Except in the case of an actual emergency, no public meeting or executive session may be held with less than 24 hours' notice to the general public and each member of the public body.¹³ The 24-hour period includes Saturday if the public has access to the physical posted location but excludes Sundays and holidays. The notice must include the date, time, and place of the meeting. If an executive session will be held, the notice must also cite the specific provision of law authorizing the executive session.¹⁴

There are three exceptions to the notice requirements outlined above. First, a meeting for which notice has been properly posted may be recessed and resumed with less than 24 hours' notice, although the date, time, and place of the resumed meeting must be announced prior to recessing the originally posted meeting or the method by which notice is to be given is announced publicly.¹⁵ Second, an emergency meeting may be held with less than 24 hours' notice in the case of an *actual* emergency. Such an emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequences that would result from waiting until the required notice could be given. Prior to the emergency discussion or action, the public body must give as much notice as possible, announce the nature of the emergency, include those reasons in the minutes of the emergency meeting, and post a public notice within 24 hours declaring that an emergency session has been held and setting forth the agenda items covered.¹⁶ Third, notice of a meeting to consider ratification of a prior act taken in violation of the Law requires at least 72 hours' advance notice.¹⁷

AGENDAS - In addition to notice of the date, time, and place of the meeting, the Law requires that the notice include either an agenda of the matters to be discussed, considered, or decided at the meeting, or information on how the public may obtain a copy of the agenda. The agenda for a public meeting must list the "specific matters to be discussed, considered or decided,"¹⁸ and should contain "such information as is reasonably necessary to inform the public of the matters to be discussed or decided."¹⁹ Such items as "new business" or "old business" are insufficient unless the specific items of new or old business are identified.

Agendas for executive sessions must contain a "general description of the matters to be considered" and must "provide more than just a mere recital of the statutory provisions authorizing the executive session," but the agenda should not contain information that "would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege."²⁰

The agenda may be made part of the public notice or, if the notice advises members of the public how they can obtain an agenda, then it can be distributed separate from the notice. In either case, the agenda must be made available at least 24 hours before the meeting, unless an actual emergency exists. The 24-hour period includes Saturday if the public has access to the physical posted location but excludes Sundays and holidays. Supporting documentation that is referred to in or made part of the agenda should be made available to the public in the same time frame to the extent possible. It may be appended to the actual agenda itself (provided the public can read it), or the agenda may advise the public where such supporting documentation can be obtained.

The agenda sets the parameters of what can be done during a public meeting. Only those items specifically listed on the agenda or matters related thereto may be discussed, considered, or decided.²¹ Two quasi-exceptions apply.

First, agendas may include a “summary of current events” item, during which any member of the public body or the chief administrator “may present a brief summary of current events without listing in the agenda the specific matters to be summarized.”²² However, the public body may not propose, discuss, deliberate, or otherwise take legal action on such a matter at that meeting, unless that particular matter also has been specifically identified on the posted agenda.

Second, a public body may (but is not required to) put an “open call to the public” on its agenda to allow members of the public to address the public body on matters not otherwise listed on the agenda. The public body may impose reasonable time restrictions on speakers during “call to the public.” However, the public may only raise issues within the jurisdiction of the public body, and members of the public body may not discuss or take legal action on new matters raised during an open call to the public. Members of the public body have four options: sit in silence or wait until “the conclusion of an open call to the public” and then respond to criticism, ask staff to review a matter, or ask that a matter be put on a future agenda so it can be discussed.²³ The best practice is to include language on the agenda that explains to the public that the council members are limited to these responses pursuant to the Law.

WEBSITE POSTINGS - All public notices of meetings held by any public body of a city or town that maintains a website must be posted on the website. If the city or town does not maintain a website, the information can be posted on the League’s website. The Open Meeting Law requires that cities and towns with populations in excess of 2,500 post on their website a statement showing legal actions taken by a city/town public body during a meeting (including how each member voted) or a recording of the meeting within three working days after the meeting. In addition, approved minutes of council meetings must be posted to the website within two working days of approval except for executive session minutes, which remain confidential. An exception to the time frame requirements is made for advisory committees and subcommittees. Those bodies must post a statement of legal action or a recording of their meeting within 10 working days of the meeting. Minutes must remain on the website for at least one year from the date posted and are subject to records retention requirements.

EXECUTIVE SESSIONS - The Law permits an executive session (a closed meeting) to be held only for seven limited purposes. In addition to the notice and agenda requirements set forth earlier, members of the public body must vote during a public meeting to agree to meet in executive session. The general public is properly excluded from an executive session. Only those “individuals whose presence is reasonably necessary in order for the public body to carry

out its executive session responsibilities may attend the executive session.”²⁴ The public body must instruct those present at the executive session that all matters discussed in the executive session, as well as the minutes, must be kept confidential.²⁵ Finally, no vote may be taken during an executive session. However, the public body may instruct its attorneys or representatives on the issues listed below under 4, 5, and 7. Any final action on an item discussed in an executive session must be taken when the public body reconvenes in a public meeting.²⁶

The only purposes for which an executive session discussion may be held are the following:

1. Personnel matters involving a specific position or individual (and these individuals must be given written notice at least 24 hours in advance in case they want to be discussed in open session).²⁷ The employee being discussed may be invited to attend but has no right to do so. Personnel matters are extremely sensitive, and there may be other laws and city charter provisions that will apply to these discussions. It is critically important that your legal counsel be consulted.
2. Confidential information specifically exempt by law from public inspection.
3. Legal advice provided by the public body's attorney.²⁸
4. Discussion with the public body's attorney regarding pending or contemplated litigation, settlement discussions to avoid or resolve litigation, or contract negotiations.
5. Instruction of designated representatives concerning salary and compensation negotiations with employee organizations.
6. International and interstate negotiations, and negotiations by a city or town with a tribal council located within or adjacent thereto.
7. Instruction of designated representatives concerning negotiations for the purchase, sale, or lease of real property.²⁹

Improper use of the executive session provision is one of the most common types of Open Meeting Law violations. Therefore, a public body, with the assistance of its attorney, should establish a clear procedure to use before holding an executive session.

MINUTES - All public bodies must take and retain written minutes or a recording of all meetings.³⁰ The minutes or a recording of all public meetings must include, at a minimum, the following:

1. The date, time, and place of the meeting.
2. The members of the public body recorded as either present or absent.
3. A general description of the matters discussed or considered.

4. An accurate description of all legal actions proposed, discussed, or taken, and the names of members who proposed each motion.
5. The names of persons making statements or presenting material to the public body and a reference to the specific legal action addressed by the person.
6. Sufficient information to permit further investigation of the background or specific facts of a decision if the discussion in the public session does not adequately disclose the subject matter and specifics of the action taken.
7. In case of an actual emergency, a statement setting forth the reasons necessitating a discussion, consideration, or decision without the matter being placed on an advance agenda.
8. In case of ratification, a copy of the required disclosure statement.

The minutes of executive sessions must contain the information described in 1, 2, 3, and 7 above, and an accurate description of all instructions given in an executive session and such other matters as may be deemed appropriate by the public body.³¹

The minutes or a recording of any meeting (*except* an executive session) must be available for public inspection no later than three working days after the meeting.³² In addition, for cities and towns with populations in excess of 2,500, a statement showing legal actions and votes taken by a city/town public body at a meeting must be posted within three days of the meeting and approved minutes of council meetings must be posted to the city/town website within two working days of approval except for executive session minutes which are confidential. Advisory committees and subcommittees have ten working days to post a statement of legal action or a recording of their meeting on the website.

Minutes must be taken in executive sessions and must be kept confidential except from the members of the public body that met in executive session; the officers, appointees, or employees who were the subject of discussion in a personnel executive session; the auditor general when conducting an audit; or the attorney general or county attorney when investigating alleged violations of the Law.³³ If the public body wishes to exclude all staff from attending the executive session, then the minutes should be kept or recorded by a member of the public body.

In addition to written or recorded minutes of the meeting, the Law provides that any part of a public meeting may be recorded by any person in attendance by means of a tape recorder, camera, or other means of sonic reproduction as long as there is no active interference with the conduct of the meeting.³⁴

E-MAIL AND OTHER SOCIAL MEDIA VIOLATIONS - The Law applies to all meetings of a public body, whether a quorum gathers “in person or through technological devices.”³⁵ Therefore, you should be extra careful when communicating with any other council members – even less than a quorum – via technology, such as by telephone or e-mail. This includes serial discussions where you communicate with one member and that member speaks to another, etc. Otherwise, you may find that you have violated the Law.

A “meeting” occurs when a quorum of a public body “gathers” and takes any one of four actions: discusses legal action, proposes legal action, takes legal action, or deliberates with respect to any such actions. The law states that the simple act of a public body member sending out a single e-mail to a quorum of the public body could violate the Law if the e-mail proposes legal action.³⁶ Moreover, “[t]hree of these activities [to discuss, deliberate, or take action] necessarily involve more than a one-way exchange between a quorum of a public body,” so even the simple act of a member of the public body responding to, exchanging, or otherwise circulating e-mails regarding legal action among a quorum could be interpreted as a violation of the Law.³⁷ Therefore, you should be extra cautious whenever communicating with other council members using e-mail or other technological devices.

To help public bodies comply with the Law, the attorney general recommended that, while it is not legally required, members of public bodies who send e-mails to each other might want to include the following language in their e-mail message to remind colleagues that replying or circulating an e-mail to others could be construed as discussing, deliberating, or taking legal action:

“To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other board (council) members and board (council) members should not reply to this message.”

For similar reasons, the attorney general advised that staff might want to use the following language:

“To ensure compliance with the Open Meeting Law, recipients of this message should not forward it to other members of the public body. Members of the public body may reply to this message, but they should not send a copy of the reply to other members.”

Your city or town should adopt a policy governing social media and consider the provisions of the Open Meeting Law in drafting the policy. Discussions among members of a public body via blogs, tweets, Facebook and similar social media are subject to the Open Meeting Law in the same manner as e-mail.

RATIFICATION - A public body may ratify legal action that may have been taken in violation of the Law. Ratification is appropriate when the public body needs to validate retroactively a prior act in order to preserve the earlier effective date of the action.

Ratification merely validates the prior action. It does not eliminate liability of the public body or others for violation of the Law.

All legal action transacted during a meeting held in violation of the Law is null and void unless ratified. The procedure for ratification is prescribed in A.R.S. § 38-431.05(B). It is a detailed and complicated procedure that must be followed carefully, “within thirty days after discovery of the violation,” and with advice by the public body's attorney.

SANCTIONS - All legal action transacted by any public body during a meeting held in violation of the Open Meeting Law is null and void unless the ratification procedure discussed above is utilized.³⁸ However, the Open Meeting Law does not render null and void all legal action taken

at a meeting at which an Open Meeting Law violation occurs if the violation involves only a single improperly noticed agenda item.³⁹ The Law can be enforced against a member of a public body and any person who knowingly aids, agrees to aid, or attempts to aid in violating the Law.⁴⁰ Any person affected by an alleged violation, the attorney general, or the county attorney for the county in which an alleged violation occurred, may file an action and obtain civil penalties. If the court finds that a public officer (in this report the term “public officer” includes elected and appointed officials of a city or town) knowingly violated the Law, the court may remove the officer from office and assess him or her personally with the attorney's fee award. The court may impose a civil penalty of \$500 for the second violation and a penalty of \$2500 for a third or subsequent violation. Civil penalties assessed against the public officer cannot be paid or reimbursed to the public officer by the public body. The court may also exempt from liability a public officer who objected to any unlawful action taken by the public body if the objection was noted on a public record. Moreover, a member of a public body shall not direct staff to communicate in violation of the Law.⁴¹

In addition to enforcement of the Open Meeting Law by the attorney general’s office, the state ombudsman-citizens aide has been given investigative authority for alleged violations of both the Open Meeting Law and Public Records Law. The ombudsman may investigate, hold hearings, and issue subpoenas if necessary to compel testimony or evidence when the city or town has failed to produce information when requested. The ombudsman’s office is also charged with the responsibility of providing educational programs on both laws and providing educational materials regarding the public access laws.⁴²

CONFLICT OF INTERESTS

One of the most misunderstood phrases in the media today is: conflict of interests. The phrase carries such negative connotations, and yet it is only natural, in our system of part-time citizen legislators, for elected and appointed officials to face potential conflict of interests situations. It is not "bad" to have a conflict of interests, but it is illegal to fail to declare a conflict of interests under Arizona law or to participate or otherwise be involved in discussions on issues or contracts where such a conflict exists.

This portion of the report may help you identify potential conflicts of interests and how you may avoid violations of this state law, which is one of the most complicated set of laws on the books. To understand its effect on your actions we suggest you discuss the law and your particular situation with your own private attorney, or your city or town attorney. You should also discuss with relatives (see definition below) their various business dealings so you do not inadvertently discuss or vote on a matter where your relative has a substantial interest. **FIND OUT AHEAD OF TIME WHAT YOUR CONFLICTS ARE!**

APPLICABILITY - The Conflict of Interests Law covers all public officers and employees of incorporated cities and towns. This includes the mayor, council members, and members of all appointed boards and commissions (parks, planning and zoning, libraries, etc.); the city manager, his or her appointees, and all consultants; and full-time, part-time, and contractual employees of the city or town.

The Conflict of Interests Law is also applicable when the private interests of a public official's or public employee's relative are under consideration. The law broadly defines a relative to be not only a husband or wife, child, grandchild, parent, grandparent, brother or sister (and their spouses) but also the following in-laws: brothers, sisters, parents, and the child of a spouse.⁴³ All other relatives, whether by blood or marriage, are not subject to the restrictions of this law.

CONFLICT OF INTERESTS DEFINED - The Conflict of Interests Law distinguishes between interests that are "remote" and those that are "substantial."⁴⁴

Essentially what it says is that remote interests are so minor that they do not constitute illegal conflicts of interests, and that any interest which is not remote, as detailed in state law, is a substantial interest. If you have only a "remote interest" in a matter before the council, then you can vote and participate in the discussion. Here is what the law defines as a remote interest.

REMOTE INTERESTS exist when the public officer or employee or a relative is:

1. A nonsalaried officer or member of a nonprofit corporation. Thus, being a nonsalaried officer or a member of a nonprofit health agency doing business or requesting a grant from the city or town technically would not constitute a conflict.
2. The landlord or tenant of a contracting party. For example, a council member may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interests.
3. An attorney of a contracting party. For attorneys who serve on council or as a member of any other public body or as employees of a public body there may be State Bar ethics rules, which could restrict their actions.
4. A member of a nonprofit cooperative marketing association.
5. The owner of less than 3 percent of the shares of a corporation with an interest in a matter with the city or town, provided that:
 - a. Total annual income from dividends, including the value of stock dividends, does not exceed 5 percent of the officer's or employee's total annual income; and
 - b. Any other payments made to the officer or employee by the corporation do not exceed 5 percent of the officer's or employee's total annual income.
6. Being reimbursed only for actual and necessary expenses incurred in performance of official duties.
7. Receiving municipal services on the same terms and conditions as if the person were not an officer or employee of the municipality. Thus, when a council member who owns a business within the city or town votes for or against an increase in the business license tax, a conflict would not exist because this action would apply to all businesses in the corporate limits.

8. An officer or employee of another political subdivision, a public agency of another political subdivision, or any other public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Thus, a council member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the council member.
9. A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, profession, or class of persons. A class must consist of at least 10 members to qualify the interest as remote.
10. A relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.
11. The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.

SUBSTANTIAL INTEREST is defined in this law as any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than those that are remote.⁴⁵ In general, a conflict of interests will result when an officer or employee of a city or town or relative of an officer or employee is involved in substantial ownership or salaried employment with a private corporation doing business with the city or town. For example, if a council member owns or is employed by a lumberyard selling to the city, then a conflict may exist. On the other hand, if the council member is the lawyer for that lumberyard, or if the council member leased land to the lumberyard, then it is possible that no conflict exists.

A public officer or an employee may sell equipment, material, supplies, or services to the municipality in which the officer or employee serves if this is done through an award or contract let after public competitive bidding.⁴⁶ An exception to this law allows cities and towns to purchase supplies, materials, and equipment from a member of the council without going to public competitive bid as long as the single transaction does not exceed \$300 and the annual total of such transactions with a member of the council does not exceed \$1,000.⁴⁷ The city or town must adopt a policy governing such purchases and must approve this policy on an annual basis. All transactions above these limits must take place as a result of public competitive bidding. However, the city or town officer or employee would not be allowed to influence the bidding process in any way and must make known in a timely manner such interest in the official records of the city or town.

The attorney general has concluded that there is no statutory restriction on a school board member or employee bidding on property being sold by the district, as long as the board member or employee publicly discloses such interest in the property being sold and refrains from participating in any manner in the decision to sell the property.⁴⁸

ADDITIONAL PROVISIONS - The Conflict of Interests Law also contains the following restrictions on the activities of public officers and employees that should be reviewed with your city or town attorney.

1. When a public officer or employee has been directly concerned or has exercised "administrative discretion" in an issue, that officer or employee may not represent another person before an agency of the city or town on the same issue and receive compensation for such representation. This restriction extends to 12 months after termination of office or employment with the city or town.⁴⁹
2. During the period of a public officer's term or employee's employment and for two years thereafter, a public officer or employee shall not disclose or use for the officer's or employee's personal profit, without appropriate authorization, any information acquired by the officer or employee in the course of the officer's or employee's official duties that has been clearly designated to the officer or employee as confidential and preserving its confidentiality is necessary for the proper conduct of government business. A public officer or employee cannot disclose or use confidential information obtained during the term of office or employment.⁵⁰
3. A public officer or employee cannot receive any compensation (other than as provided by law) for performance of services in any case, special proceeding, application, or other matter pending before any agency of the city or town.⁵¹
4. A public officer or employee cannot use or even attempt to use his or her position to obtain anything of value that normally would not be received in the performance of official duties. Something is considered to have "value" when it exerts a "substantial and improper" influence on the duties of the public official.⁵²

The State Bar of Arizona has placed another restriction on local elected officials who are lawyers. The State Bar ruled that attorneys on city or town councils cannot represent clients in the city or town's courts.⁵³ However, the Arizona Supreme Court has ruled that attorneys on city and town councils may represent clients in superior court in cases that involve members of the police department in such council member's city as adverse witnesses.⁵⁴

DECLARATION OF A CONFLICT - When a public officer or employee (or their relative) has a substantial interest in any decision of, or contract, sale, purchase, or service, to their city or town, the public officer or employee must:

1. Refrain from participating in any manner (voting, discussing, or in any way attempting to influence) in their capacity as an officer or employee a decision of the governing body or agency of the city or town; and
2. Make the substantial interest known in the official records of the city or town. For a member of the council, this can be done by either declaring at a council meeting that a conflict of interests exists and having this declaration officially entered in the minutes or filing a written declaration with the city or town clerk. For an employee who faces a conflict of interests situation, the employee should file a letter with the manager or clerk declaring in writing that a conflict exists. Both officers and employees with a substantial interest must refrain from

participating in any manner as an officer or employee in the decision or issue.⁵⁵ As a best practice, you should file notice with the clerk as soon as you become aware of the conflict.

The provisions of state law relating to conflict of interests, specifically the requirement that members of the council refrain from participating in or attempting to influence a decision in which they have a substantial interest, may preclude the council from acting as required by law in its official capacity. For example, this situation may occur when a majority of the members of the *entire* council (not just those present at a particular meeting) have a substantial conflict of interests. To address this potential problem, state law provides that if the conflict of interests statutes prevent a public body from acting as required by law in its official capacity, such action shall be allowed if the members of the public body with the apparent conflicts make known their substantial interests in the official records of the public body.⁵⁶ For example, each affected council member should state that he or she has a substantial interest in the issue before the council, and then make sure it is recorded in the official minutes of the meeting. Such statement should be made at the beginning of any discussion of the issue by the council. This process can be tricky, so seek legal counsel before proceeding.

LEGAL OPINIONS - If you ask your city or town attorney for an opinion on conflict of interests, the request is confidential. However, formal final opinions are a matter of public record and must be filed with the city or town clerk.⁵⁷ This filing requirement does not apply to verbal communications between a mayor or council member and the city/town attorney. In addition, no city/town public officer or employee is personally liable for acts done in his official capacity in good faith reliance on written opinions of the city or town attorney of the city or town where they serve.

FILING OF DISCLOSURES - The clerk must maintain a special file for all disclosures of conflicts of interests. One method to comply with this requirement would be to place a separate copy of the council meeting minutes when a conflict is declared in a special file labeled "Conflict of Interests Disclosures."

PENALTIES - A public officer or employee who intentionally or knowingly conceals or fails to disclose any substantial interest or engages in any of the activities prohibited by A.R.S. § 38-503 through 38-505, is guilty of a class 6 felony, plus a conviction will automatically forfeit office. A public officer or employee who negligently or recklessly violates the Conflict of Interests Law by failing to disclose a substantial interest or engaging in the activities prohibited by A.R.S. § 38-503 through 38-505, is guilty of a class 1 misdemeanor. Any person affected by a decision of a public agency where a conflict of interests is alleged may bring a civil suit in superior court, which may order equitable relief including attorney's fees to the prevailing party. In addition, any contract made in violation of the law may be voided by action of the city or town.⁵⁸ **WHEN IN DOUBT ABOUT POTENTIAL CONFLICTS, ASK YOUR ATTORNEY!**

PUBLIC RECORDS ⁵⁹

Arizona's Public Records Law is an odd paradox. On the one hand, the sweeping language of its core provisions makes the law appear to be straightforward and simple. On the other hand, the hundreds of exceptions in other statutes and judicial decisions can make application of the law rather complex at times. Given this unique blend of simplicity and complexity, you should learn

the following basics, but then seek immediate assistance if you directly receive a request for public records.

SIMPLE AND SWEEPING - Arizona's Public Records Law commands that "[p]ublic records and other matters in the custody of any officer shall be open to inspection by any person at all times during office hours."⁶⁰ The law applies to, among others, officers of cities and towns.⁶¹ The definition of "public records" is quite sweeping, so the law reaches not only paper items (including "all books, papers, maps, photographs or other documentary materials"), but also all other information "regardless of physical form or characteristics, including ... items produced or reproduced on film or electronic media."⁶² E-mail generated or maintained on a government e-mail system are public records but purely personal e-mails may be exempted from disclosure.⁶³ Likewise, e-mails on a personal computer relating to official business may also be public records. Use of social media such as Facebook and Twitter may also create public records depending on the subject matter. The recommendation for a social media policy for compliance with the Open Meeting Law applies to the Public Records Law as well. Assume anything you make a record of, in any format, related to your position as a public officer or employee is a public record.

The Arizona Supreme Court has ruled that a public record maintained in an electronic format includes not only the information normally visible upon printing the document but also any embedded metadata.⁶⁴ The court has also indicated if the record is maintained electronically, in most cases it must be provided in that format.

Sometimes the law specifically details what is a public record. For example, disciplinary records involving public officers or employees of a public body must be open to inspection and copying unless inspection or disclosure of the records or information in the records is contrary to law.⁶⁵ Importantly, if any doubts exist about whether a member of the public can see a particular document, courts have declared that public records are "presumed open to the public for inspection."⁶⁶

COMPLEX MAZE OF EXCEPTIONS - That presumption of openness, however, is just a presumption and not an absolute rule. Indeed, the Arizona Supreme Court has recognized three sets of exemptions to the sweeping presumption of openness: when confidentiality restrictions apply, when privacy interests of individuals outweigh the public's right to know, or when the best interests of the government outweigh the public's right to inspection.⁶⁷

First, Congress and the Legislature have enacted hundreds of confidentiality exceptions to the Public Records Law. Often buried in obscure niches of federal and state statute books, these confidentiality restrictions usually are designed to protect the public at large (*e.g.*, prevent disclosure of the vulnerability of certain facilities to sabotage or attack),⁶⁸ guard the safety of certain individuals (*e.g.*, prevent disclosure of the home addresses and telephone numbers of a long list of public officials including judges, prosecutors, public defenders, peace officers, border patrol agents, code enforcement officers, law enforcement support staff and victims of domestic violence, stalking, or harassment),⁶⁹ and protect against identity theft (*e.g.*, prevent disclosure of social security numbers).⁷⁰ Note that you do not have independent authority to promise that documents will be protected as confidential.⁷¹

Secondly, privacy interests may protect certain information in public records from being released. For example, the Arizona Supreme Court declared that a public teacher's birth date could be withheld from public inspection, based on the court's recognition that such personal identifying information could be combined with other information, which in turn could lead to identity theft.⁷²

Finally, a record may be withheld from public inspection when disclosure would be detrimental to "the best interest" of the government. The Arizona Court of Appeals clarified this otherwise broad exemption when it noted that while "public records are presumed open to the public for inspection," certain records may be withheld if "the public official can demonstrate a factual basis why a particular record ought not be disclosed to further an important public or private interest."⁷³ Note that the burden is on the public official to prove that the record should be kept from the public rather than on the person seeking the record.

STEPS TO COMPLY - Public officials should keep the following seven steps in mind to comply with public records requests.

Step One: Properly Maintain Public Records. Arizona law imposes duties on public officers even before they receive a request to produce public records for inspection. For example, the law mandates that "[a]ll officers and public bodies shall maintain all records ... reasonably necessary or appropriate to maintain an accurate knowledge of their official activities and of any of their activities which are supported by monies from the state or any political subdivision of the state."⁷⁴ Moreover, "[e]ach public body shall be responsible for the preservation, maintenance and care of that body's public records and each officer shall be responsible for the preservation, maintenance and care of that officer's public records. It shall be the duty of each such body to carefully secure, protect and preserve public records from deterioration, mutilation, loss or destruction, unless disposed of pursuant to" an authorized document retention policy.⁷⁵

Step Two: Seek Assistance. With the exceptions to the Public Records Law ever evolving and sometimes "hidden" in statute books and judicial decisions, application of Arizona's Public Records Law can be complex. Therefore, if you ever receive a request for a public record, then the best practice is to seek help immediately from staff members who are more familiar with the law. Staff members, in turn, should contact their legal counsel for guidance to avoid problems.

Step Three: Receiving a Public Records Request. The law allows "any person" to request access to a public record. Importantly, the law does not require people to identify themselves when they are seeking access to public records. Nor do they have to identify why they want to see the record although you may confirm that that request is not for a commercial purpose.

Step Four: Act "Promptly." The law declares that "[a]ccess to a public record is deemed denied if a custodian fails to promptly respond to a request for production of a public record," although the law does not define precisely what "promptly" means.⁷⁶ Denying access to a public record exposes the public body to liability, so reasonable efforts must be made to provide the requested documents "promptly."

Step Five: Inspection and Copying. Members of the public actually have rights relating to public records. They have a right to "inspect" those documents, which essentially means they may "examine" or "look at" the requested records.⁷⁷ (A court still may review the withheld

documents and order them disclosed.) If a person wants, they are entitled to get “copies, printouts or photographs” of the records, which must be provided “promptly.” As noted above if the records are maintained electronically, they must be provided electronically.

Certain records may contain information that legitimately should be withheld from public inspection. In those situations, the information that is confidential, private or harmful to the best interest of the government should be withheld but the rest of the record should be made available to the person requesting the public record.⁷⁸

Step Six: Recovering Costs. Searching for and making copies of public records costs time and money. The law recognizes two categories of requestors and limits what each may be charged. When a person requests public records for a “commercial purpose” – for example, obtaining lists of names to try to sell insurance – then the public body may charge a “reasonable fee” for both the time searching for the records and the actual cost of the copying.⁷⁹ When, however, the request is not for a commercial purpose, then the public body may charge only for the cost of the copying; it is not authorized to charge for the cost of searching for the records. There is an exception to the right to impose any charge for records and it covers crime victims. A victim of a crime or the immediate family of the victim if the victim is killed or incapacitated is entitled to a free copy of the police report from the investigative law enforcement agency as well as the minute entry or portion of any court proceeding which is necessary for the person to pursue a claimed victim’s right.⁸⁰ There is also an exception for issuing certified copies of public records or searching for them when they are to be used in connection with a claim for a pension, allotment, allowance, compensation, insurance or other benefits to be received from the United States.⁸¹

Note: Because of the First Amendment, requests by journalists are *not* considered to be for a commercial purpose.

Step Seven: Mailing. The law allows a person to “request that the custodian mail a copy of any public record not otherwise available on the public body's website to the requesting person. The custodian may require any person requesting that the custodian mail a copy of any public record to pay in advance for any copying and postage charges.”⁸²

VIOLATIONS - Violations of the Public Records Law come in two forms: “governmental” violations and “personal” violations.

“Governmental” violations occur when the government (operating through public officials and employees) fails to comply with the Public Records Law by, for example, refusing to produce public records, purposefully delaying the release of public records, refusing to release records based on speculation that they may contain information that does not need to be produced,⁸³ or overcharging for copies of public records.⁸⁴ The court may award attorney’s fees and other legal costs that are reasonably incurred in any action under the Public Records Law if the person seeking public records has substantially prevailed.⁸⁵ Additionally, “[a]ny person who is wrongfully denied access to public records pursuant to this article (the Public Records Law) shall have a cause of action against the officer or public body for any damages resulting from the denial.”⁸⁶

“Personal” violations occur when, for example, a public officer or employee releases confidential information that is protected from disclosure by statute,⁸⁷ steals or in an unauthorized way removes, secretes, mutilates, or defaces a public record,⁸⁸ or otherwise “tampers with a public record” by destroying, altering, or falsifying a public record.⁸⁹ The penalties for personal violations can range from removal from office and imposition of civil penalties to being convicted of a class 4, 5, or 6 felony.

PRACTICAL TIPS - To avoid problems, you might want to keep the following three tips in mind. First, whenever creating documents (including informal writings, such as e-mail, which are subject to the Public Records Law⁹⁰), presume they will be public records available for inspection, copying, and printing on the front page of the local newspaper. Therefore, be as careful with the tone and language of the document as you are with the substantive accuracy of your writing.

Secondly, don’t “tamper” with a public record – by destroying it, backdating it, hiding it, altering it (such as erasing or changing portions of it), or otherwise falsifying it. Each of these acts is a crime in Arizona. Redaction of confidential portions of a record may be permissible, but you should consult with your city or town attorney on what is appropriate.

Thirdly, whenever you receive a request for a public record, it is a sound practice to immediately seek help from staff.

INCOMPATIBILITY OF OFFICES

On many occasions, local officials have asked the League whether a public official may hold two or more public offices at one time. In response to these requests, we compiled the following information to help in determining when two or more public offices may be incompatible.

EARLY CONCEPTS OF INCOMPATIBLE OFFICES - Arizona's law prohibiting the holding of incompatible offices can be traced, in large part, to early English common law. Offices were said to be incompatible or inconsistent if:

1. The main duties of the two offices could not be carried out with care and ability; or
2. One office is subordinate to and interferes with the other office such that the duties of the two offices cannot be performed at the same time with "impartiality and honesty."

Very few laws, if any, have been based upon the first principle. Apparently, it has been difficult to determine when an individual fails to execute the duties of two public offices with "care and ability." The second principle mentioned above has been the basis for most Arizona law on the incompatibility of public offices.⁹¹

STATE LAWS AND INTERPRETATIONS - From Arizona’s Constitution and statutes, and interpretations by the attorney general and the League's general counsel, we have compiled a list of legal provisions focusing on the issue of incompatible public offices.

ARIZONA STATE CONSTITUTION

1. No member of the Legislature may hold any other office or be employed by the state or any county, city, or town, except a legislator may also be a school board member or a teacher.⁹²
2. Incumbents of a salaried elective office may not "offer" themselves for nomination or election to any salaried local, state, or federal office unless during the final year of their term. However, an incumbent may resign and then run for another office.⁹³
3. Justices of the peace may hold the additional position of police magistrate in incorporated cities and towns.⁹⁴

STATE STATUTES

1. A public official may not hold two salaried public offices at the same time. However, elected officials in the final year of their term of office may offer themselves for nomination to another elected office. The point in time at which an elected official is determined to have offered herself or himself for nomination or election to another public office is upon the filing of nomination papers or upon formal declaration of candidacy for such office, whichever occurs first.⁹⁵
2. Mayors, aldermen, or council members cannot receive any compensation from the city or town during the term of office for which they were elected in addition to the compensation paid to them as elected officials.⁹⁶ As a result, city and town elected officials cannot hold any other paid public office with the city or town. In the opinion of our League general counsel, this provision also prevents a mayor or council member from resigning office and accepting another compensated position with the municipality prior to the end of the term of office for which the person was elected.⁹⁷
3. Public defenders employed by the county may also serve as public defenders for a city or town. State law requires the city or town to reimburse the county for the public defender's services.⁹⁸
4. Members of the State Personnel Board and most state employees cannot be candidates for nomination or be elected to any paid public office, nor may they take part in managing a political party or political campaign.⁹⁹ Certain state employees are exempted from these restrictions, so we suggest that you discuss individual cases with your city or town attorney.
5. A person may not be a candidate for more than one public office if the elections for the offices are held on the same day and the person would be prohibited from serving both positions simultaneously.¹⁰⁰

CITY CHARTER PROVISIONS - If you are holding office in a charter city, there may be additional limitations placed on your ability to hold other public offices. We suggest you consult the charter or your city attorney on any such provisions.

ATTORNEY GENERAL OPINIONS - The attorney general has issued a number of opinions on the topic of incompatibility of office. Of particular interest to cities and towns:

1. State employees subject to the State Personnel Commission may not hold the position of city or town council member, if the council position is compensated.¹⁰¹
2. The positions of school board member and council member could be held by the same individual because the school board position was uncompensated.¹⁰²
3. A legislator may not assume an elective office in a charter city during the legislative term for which he or she was elected.¹⁰³
4. The duties of a county supervisor are not inherently inconsistent with the duties imposed on a member of the Arizona Board of Regents.¹⁰⁴

LEAGUE GENERAL COUNSEL OPINIONS - The League's general counsel has been requested on a number of occasions to issue opinions on possible instances of incompatible offices. The following is a list of these opinions:

1. One individual in a non-chartered city cannot hold the positions of mayor and city or town magistrate at the same time.¹⁰⁵
2. The compensated positions of city alderman and volunteer fireman could not be held at the same time by one individual because aldermen can only receive the specific compensation designated by law for their service as aldermen.¹⁰⁶
3. A magistrate, during absence from his post, may request another magistrate or justice of the peace from a neighboring city or town to serve in his post. The city or town should, however, adopt an ordinance authorizing this arrangement.¹⁰⁷
4. The general counsel of the League also suggests that the offices of town manager and police magistrate not be held by one individual.

Before an employee accepts another public office, local ordinance provisions and personnel rules and regulations should be consulted. For particular employees there may be departmental regulations that also govern such activities.

NEPOTISM

As a city or town official, you must exercise caution when your relatives are being considered for appointment to offices or positions of employment with the city or town. Arizona's anti-nepotism statute prohibits public officials from appointing their relatives to offices or positions of employment compensated from public funds.¹⁰⁸

Specifically, any executive, legislative, ministerial, or judicial officer cannot appoint or vote for (or even suggest, arrange, or be a party to) the appointment of a relative who is related by blood or marriage "within the third degree" to a paid office or position of employment. Public officers of a city or town subject to this restriction would include mayors, council members, appointed officials, and department heads.

As mentioned above, the law prohibits the appointment of relatives by blood or marriage "within the third degree." To apply this law accurately, there is a method to compute whether a person is related within what is legally defined as the "third degree." In summary, this method of computation would prohibit a public officer from appointing or participating in the appointment of the following in-laws or blood relatives: a husband or wife, brother or sister, parent or child, great grandparents, grandparents, grandchildren, great grandchildren, uncles or aunts, and nephews or nieces.¹⁰⁹ To illustrate, the attorney general found that the wife of a justice of the peace could be appointed by her husband to perform the function of setting bail.¹¹⁰ This opinion was based in part on the fact that the public official's wife was not compensated for these duties. In another attorney general's opinion a justice of the peace could not appoint his wife's sister to a compensated position of clerk without violating this law.¹¹¹

One important question is whether a city or town employee can continue employment after a relative within the third degree has assumed a position on the city or town council or some other position with appointment authority. In addressing a situation of this nature, the general counsel of the League was of the opinion that an employee could continue employment even though a relative was elected to the city or town council.¹¹² However, if a situation arises where the employee's appointment or reappointment is placed before the council, the relative on the council should not participate in any way in that decision.¹¹³

The council-manager form of government or the existence of a merit system also affect the application of the anti-nepotism law because the law does not prohibit the appointment or employment of a relative, but rather governs the participation of the related public official in the decision-making process. If there are questions that relate to nepotism, we suggest that you discuss these with your local city or town attorney. In most instances, questions of nepotism can be clarified quickly due to the precise nature of this law.

FINANCIAL DISCLOSURE

State law requires elected officials, including those appointed to elective office, to file an annual financial disclosure statement.¹¹⁴ Since 1984, cities and towns have been required to adopt standards of financial disclosure consistent with the standards imposed for state elected officials.¹¹⁵

The annual financial disclosure statement is due each year on January 31 covering the immediately preceding calendar year. The city or town clerk should make the forms available to meet this filing requirement.¹¹⁶ Candidates for city or town office must file the financial disclosure statement covering the preceding 12-month period when nomination papers are filed.¹¹⁷

The law requires elected public officials to disclose personal financial data including information on members of the "household" (defined as the public official's spouse and any minor child of whom the official has legal custody). Information on business holdings is required under certain circumstances. Property owned by the official or a member of the official's household must also be reported (with certain exceptions).

The report must be filed with the city or town clerk and is available for public inspection. Failure to file or filing a false or incomplete financial disclosure statement, if done knowingly, is a class 1 misdemeanor.¹¹⁸

LIMITS ON ENTERTAINMENT

In 2000, the Legislature extended part of the state’s lobbying laws to prohibit certain entertainment for local officials if paid by compensated lobbyists. The law provides that it is illegal for a compensated lobbyist to offer and for a member of a city or town council (as well as other local governing bodies) to accept “an expenditure or single expenditure for entertainment.”¹¹⁹

Careful attention to these three parts – the giver, the recipient, and the outlawed gift – is important because violations may result in criminal and civil penalties.¹²⁰ As for the giver, the law applies to “a person who for compensation attempts to influence the passage or defeat of legislation, ordinances, rules, regulations, nominations and other matters that are pending or proposed or that are subject to formal approval by the corporation commission, a county board of supervisors, a city or town governing body or a school district governing board or any person acting on that person's behalf.” So even if the people offering entertainment do not call themselves “lobbyists,” the law still applies if they are compensated to do any of the things listed. Next, as for the receiver, the law applies in the city and town context to city/town elected officials (whether elected or appointed), but not directly to city or town staff (although local ordinances or policies might).¹²¹

Third, the law prohibits giving or receiving “entertainment,” which is defined to mean “the amount of any expenditure paid or incurred for admission to any sporting or cultural event or for participation in any sporting or cultural activity.”¹²² As written, the ban prohibits not only receiving tickets to attend a sporting or cultural event, but also having a compensated lobbyist pay for your participation in any cultural or sporting event. In other words, a compensated lobbyist may not offer – and council members cannot accept – tickets to sporting or cultural events (such as baseball, basketball, football, hockey, or soccer, or any other sports at any level – professional, college, or local – or art gallery, ballet, movie, opera, theater, or anything else). Nor may they offer to pay or you allow or accept their payment for your “participation” in “sporting or cultural” activities such as golf, fishing, hunting, bowling, yoga, painting, ballet, or any other activity.

CONCLUSION

Accepting a position as a public official may introduce a number of complex and confusing legal situations into an individual's life. This report has tried to shed some light on selected areas of law that place restrictions and requirements on the activities of public officials in Arizona cities and towns. If the report has raised questions, please do not hesitate to contact the League office. However, we emphasize the importance of consultation with your personal attorney or the city or town attorney on specific questions regarding all of the subjects discussed in this report.

ENDNOTES

1. To read the state statutes on the Open Meeting Law see A.R.S. § 38-431 through 38-431.09.
2. A.R.S. § 38-431.09.
3. A.R.S. § 38-431.01(G). The Open Meeting Law information from the attorney general's office can be accessed at www.azag.gov and on the city/town website. The Arizona ombudsman - citizens' aide office also produces a helpful publication on the requirements of the Open Meeting Law. It can be accessed at www.azoca.gov.
4. A.R.S. § 38-431.01(A). The Open Meeting Law grants the public the right to attend and listen to a public body's deliberations and proceedings. See Attorney General Opinions I83-049 and I84-133. This includes the right to know exactly how each individual council member votes on an issue. A.R.S. § 38-431.01(B).
5. A.R.S. § 38-431(4).
6. A.R.S. § 38-431.09.
7. Ariz. Att'y Gen. Op. I07-013.
8. A.R.S. § 38-431(6).
9. A.R.S. § 38-431; For a discussion of the applicability of the Open Meeting Law to special boards created by political subdivisions see Ariz. Att'y Gen. Op. I07-001.
10. A.R.S. § 38-431.02(A).
11. A.R.S. § 38-431.02(A)(4).
12. A.R.S. § 38-431.02(F).
13. A.R.S. § 38-431.02(C).
14. A.R.S. § 38-431.02(B).
15. A.R.S. § 38-431.02(E).
16. A.R.S. § 38-431.02(D) & (J).
17. A.R.S. § 38-431.05(B)(4).
18. A.R.S. § 38-431.02(H).
19. A.R.S. § 38-431.09; *see* Ariz. Att'y Gen. Op. I83-56. The Open Meeting Law does not specifically prohibit a public body from considering agenda items in an order different from that appearing on the agenda. However, when changing the order of discussion, it must be done in a way that is not designed to deny any member of the public the opportunity to listen to the discussion of any agenda item.
20. A.R.S. § 38-431.02(I).
21. A.R.S. § 38-431.02(H).
22. A.R.S. § 38-431.02(K).

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23. A.R.S. § 38-431.01(H).
 24. A.R.S. § 38-431(2).
 25. A.R.S. § 38-431.03(C).
 26. A.R.S. § 38-431.03(D); *see Johnson v. Tempe Elementary School Dist. Governing Board*, 199 Ariz. 567, 20 P.3d 1148 (2001) (dismissing a public body’s appeal as improper when the public body instructed its attorney in an executive session to file an appeal but then failed to confirm that instruction in public with a proper formal vote).
 27. A.R.S. § 38-431.03(A).
 28. Only legal advice, not policy discussions, may be discussed; *see City of Prescott v. Town of Chino Valley*, 166 Ariz. 480, 803 P.2d 891 (1990).
 29. *See Tanque Verde Unified School Dist. v. Bernini*, 206 Ariz. 200, 76 P.3d 874 (2003) (affirming that a public body violated the Open Meeting Law by conducting a site selection process in an executive session).
 30. A.R.S. § 38-431.01(B).
 31. A.R.S. § 38-431.01(C).
 32. A.R.S. § 38-431.01(D).
 33. A.R.S. § 38-431.03(B).
 34. A.R.S. § 38-431.01(F).
 35. A.R.S. § 38-431(4).
 36. A.R.S. § 38-431(4). *See* Ariz. Att’y Gen. Op. I05-004 (“Board members must ensure that the board’s business is conducted at public meetings and may not use e-mail to circumvent the OML (Open Meeting Law) requirements. ... While some one-way communications from one board member to enough members to constitute a quorum would not violate the OML, an e-mail by a member of a public body to other members of the public body that proposes legal action would constitute a violation of the OML.”).
 37. Arizona Agency Handbook § 7.5.2 (Rev. 2018). (“Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions.... Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss the topic that is or may be presented to the public body for a decision.”)
 38. A.R.S. § 38-431.05(A).
 39. Ariz. Att’y Gen. Op. I08-001.
 40. A.R.S. § 38-431.07(A).
 41. A.R.S. § 38-431.01(I).
 42. A.R.S. § 41-1376.01.
 43. A.R.S. § 38-502(9).

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44. Compare A.R.S. § 38-502(11) (“substantial interest”) and 38-502(10) (“remote interest”); see also Ariz. Att’y Gen. Op. I85-052.
 45. A.R.S. § 38-502(11); see Ariz. Att’y Gen. Op. I03-005.
 46. A.R.S. § 38-503(C). see Ariz. Att’y Gen. Op. 70-5, 79-067, 79-133, I06-002; General Counsel Opinion May 18, 1979, and letter dated October 23, 1984 from attorney general to Town of Parker.
 47. A.R.S. § 38-503(C)(2).
 48. Ariz. Att’y Gen. Op. I85-067.
 49. A.R.S. § 38-504(A).
 50. A.R.S. § 38-504(B).
 51. A.R.S. § 38-505.
 52. A.R.S. § 38-504(C).
 53. State Bar Ethics Opinion No. 74-28.
 54. See *Gomez v. Superior Court*, 149 Ariz. 223, 717 P.2d 902 (1986).
 55. A.R.S. § 38-503(A) & (B).
 56. A.R.S. § 38-508.
 57. A.R.S. § 38-507.
 58. A.R.S. § 38-506; see also A.R.S. § 38-511.
 59. See Arizona Agency Handbook prepared by the attorney general’s office (www.azag.gov) and Arizona Public Records Law prepared by the office of the Arizona ombudsman-citizens’ aide (www.azoca.gov).
 60. A.R.S. § 39-121.
 61. A.R.S. § 39-121.01(A).
 62. A.R.S. § 41-151.18.
 63. *Griffis v. Pinal County*, 156 P.3d 418, 215 Ariz. 1 (2007).
 64. *David Lake v. City of Phoenix*, 218 P.3d 1004, 222 Ariz. 547 (2009).
 65. A.R.S. § 39-128.
 66. *Carlson v. Pima County*, 141 Ariz. 487, 687 P.2d 1242 (1984).
 67. *Carlson v. Pima County*, 141 Ariz. 487, 687 P.2d 1242 (1984).
 68. A.R.S. § 39-126.
 69. A.R.S. §§ 11-483, 16-153 39-123(A).
 70. 42 U.S.C. § 405(C)(2)(c)(ii) (viii)(l); A.R.S. § 44-1373.
 71. *Moorehead v. Arnold*, 637 P.2d 305, 130 Ariz. 503 (Ariz. App. 1981).

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72. *Scottsdale Unified School Dist. v. KPNX Broadcasting*, 191 Ariz. 297, 955 P.2d 534 (1998); *Judicial Watch, Inc. v. City of Phoenix*, 228 Ariz. 393, 267 P.3d 1185 (Ariz. App. 2011).
 73. *Star Publishing Co. v. Pima County Attorney's Office*, 891 P.2d 899, 181 Ariz. 432 (Ariz. App. 1994).
 74. A.R.S. § 39-121.01(B).
 75. A.R.S. § 39-121.01(C).
 76. A.R.S. § 39-121.01(D)(1), (E); *see Phoenix New Times, L.L.C. and John Dougherty v. Joseph M. Arpaio*, 217 Ariz. 533, 177 P.3d 275 (2008); *West Valley View, Inc. v. Maricopa County Sheriff's Office*, 165 P.3d 203, 216 Ariz. 225 (Ariz. App. 2007); *McKee v. Peoria Unified School District*, 236 Ariz. 254, 338 P.3d 994 (Ariz. App. 2014); *Congress Elementary School Dist. No. 17 of Yavapai County v. Warren* 227 Ariz. 16, 251 P.3d 395 (Ariz. App. 2011).
 77. A.R.S. § 39-121.01(D)(1).
 78. *Carlson*, 687 P.2d at 1243-1246 (“a practical alternative to the complete denial of access would be deleting specific personal identifying information, such as names”); *see also Cox Arizona Publications v. Collins*, 175 Ariz. 11, 852 P.2d 1194, 1198 (1993)(finding that the county attorney violated the Public Records Law by withholding public records without offering to redact portions and producing the rest for inspection).
 79. A.R.S. § 39-121.03 (explaining what may be charged for commercial copies).
 80. A.R.S. § 39-127.
 81. A.R.S. § 39-122.
 82. A.R.S. § 39-121.01(D)(1).
 83. *Star Publishing Co. v. Pima County Attorney's Office*, 181 Ariz. 432, 891 P.2d 899 (1994).
 84. *Hanania v. City of Tucson*, 128 Ariz. 135, 624 P.2d 332 (1981).
 85. A.R.S. § 39-121.02(A), (B); *Democratic Party of Pima County v. Ford* 228 Ariz. 545, 269 P.3d 721 (Ariz. App. 2012).
 86. A.R.S. § 39-121.02(C).
 87. A.R.S. §§ 39-124, 13-2401.
 88. A.R.S. § 38-421.
 89. A.R.S. § 13-2407.
 90. Ariz. Att’y Gen. Op. I05-004 at 10 (“E-mails that board members or staff generate pertaining to the business of the public body are public records.] Therefore, the e-mails must be preserved according to a records retention program and generally be made available for public inspection.”).
 91. 3 McQuillin Mun. Corp. § 12:12(3d ed.); *see Ari. Att’y Gen. Op.* 76-41.

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92. Arizona Constitution, Article IV, Part 2, Section 5; Ariz. Att’y Gen. Op. 77-221.
 93. Arizona Constitution, Article XXII, Section 18; *see* A.R.S. § 38-296.
 94. Arizona Constitution, Article VI, Section 32. Justice of the peace and magistrate courts are not courts of record and would not be subject to the restriction of Article VI, Section 28 of the Constitution.
 95. A.R.S. § 38-296.
 96. A.R.S. § 9-304.
 97. General Counsel Opinion August 17, 1988.
 98. A.R.S. § 11-585.
 99. A.R.S. § 41-752.
 100. A.R.S. § 38-296.01.
 101. Ariz. Att’y Gen. Op. 71-32-L (The state personnel commission’s jurisdiction extends to all state offices and positions except those specifically exempted by law.); *see* A.R.S. § 41-752.
 102. Ariz. Att’y Gen. Op. 72-20-L and 80-061.
 103. Ariz. Att’y Gen. Op. 77-221.
 104. Ariz. Att’y Gen. Op. 80-019; *see* Ariz. Att’y Gen. Op. 59-30, 75-2-L, and 77-216.
 105. General Counsel Opinion December 10, 1965.
 106. General Counsel Opinion November 2, 1966.
 107. General Counsel Opinion May 26, 1970.
 108. A.R.S. § 38-481.
 109. *See Graham County v. Buhl*, 76 Ariz. 275, 263 P.2d. 537 (1953), Ariz. Att’y Gen. Op. 77-115.
 110. Ariz. Att’y Gen. Op. 63-75-L.
 111. Ariz. Att’y Gen. Op. 63-9. *see* Ariz. Att’y Gen. Op. 54-26, 65-6-L.
 112. General Counsel Opinions June 26, 1968; *see* Ariz. Att’y Gen. Op. 78-71.
 113. *See* Ariz. Att’y Gen. Op. 77-138.
 114. A.R.S. Title 38, Chapter 3.1, Article 1.
 115. A.R.S. § 38-545.
 116. *See* League Municipal Election Manual for forms.
 117. A.R.S. § 38-543.
 118. A.R.S. § 38-544.
 119. A.R.S. § 41-1232.08(B).

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120. Ariz. Att’y Gen. Op. I00-031.
 121. League General Counsel Opinion January 15, 2001.
 122. A.R.S. § 41-1231(5).



AGENDA ITEM REVIEW FORM

Special City Council Meeting

5. A.

Meeting Date: 11/24/2020

Summary

MINUTES OF

- Special Council meeting held November 4, 2020
 - Work Session meeting held November 4, 2020
-

Attachments

SCM 11-04-2020

WS 11-04-2020

MINUTES
Special Council Meeting
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
November 4, 2020
6:00 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the Regular City Council meeting to order at approximately 5:56 p.m.

Mayor, City Council, and some members of staff participated remotely.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Maria Cecilia Cruz
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Jose Ponce
Council Member Matias Rosales
Council Member Gloria Torres

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Jenny Torres, Economic Development Manager

2. PLEDGE OF ALLEGIANCE

Vice Mayor Maria Cecilia Cruz led the Pledge of Allegiance.

3. DISCUSSION AND POSSIBLE ACTION ITEM:

3.A. EXECUTIVE SESSION

Vote to hold an Executive Session pursuant to A.R.S. §38-431.03(A) (3) (4) and (7)

Discussion and possible action to hold an Executive Session pursuant to A.R.S. §38-431.03(A) (3) (4) and (7) for legal advice with the city's attorneys and/or for consultation with the city's attorneys in order to consider the city's position and instruct its attorneys regarding the City Council's position regarding possible development agreement and related agreements that are the subject of negotiations or potential litigation regarding Magrino Industrial Subdivision owned by the Greater Yuma Porrt Authority (Kay Marion Macuil, City Attorney and Glenn Gimbut, Assistant City Attorney)

MOTION: Council Member Gloria Torres/Council Member Jose Ponce to go into executive session at approximately 5:58 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

4. MOTION TO GO BACK TO SPECIAL SESSION

MOTION: Council Member Matias Rosales/Vice Mayor Maria Cecilia Cruz to go into special session at approximately 6:52 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

5. ADJOURNMENT

MOTION: Council Member Matias Rosales/Council Member Jose Ponce to adjourn the Special Council meeting at approximately 6:53 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

APPROVED:

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Special City Council meeting of the City Council of the City of San Luis, Arizona, held on November 4, 2020. I further certify that the meeting was dully called and held and that a quorum was present.

Sonia Cornelio, City Clerk

MINUTES
Work Session
San Luis City Council
San Luis Council Chambers
1090 E. Union Street
November 4, 2020
6:54 p.m.

1. CALL TO ORDER/ROLL CALL: Mayor Gerardo Sanchez called the work session to order at approximately 6:54 p.m.

Mayor and City Council participated remotely due to COVID-19.

PRESENT: Mayor Gerardo Sanchez
Vice Mayor Maria Cecilia Cruz
Council Member Mario Buchanan Jr.
Council Member Africa Luna-Carrasco
Council Member Jose Ponce
Council Member Matias Rosales
Council Member Gloria Torres

OTHERS PRESENT: Tadeo A. De La Hoya, City Manager
Sonia Cornelio, City Clerk
Kay Marion Macuil, City Attorney
Angel Ramirez, Fire Chief
Carlos Cortes, Assistant Director of Finance
Doming Sosa, Information Technology
Dylan Stackpole, Planner
Enrique Lopez, Assistant Fire Chief
Eulogio Vera, Director of Public Works
Glenn Gimbut, Assistant City Attorney
Isaac Gutierrez, GIS Technician
Jonathan Dumadag, Information Technology Department
Jorge Perez, Billing & Collections Manager
Jose A. Guzman, Director of Planning & Zoning
Jose de la Vara, City Prosecutor
Lizandro Galaviz, Director of Parks & Recreation
Maria Sabori, Risk Management
Marlene Lara, Government & Foreign Affairs Coordinator
Monica Castro, Director of Finance
Ralph Velez, City Consultant (remotely)
Richard Jessup, Chief of Police
Sondra Matthews, Director of Human Resources
Sylvia Vasquez, Legal Secretary

2. ITEMS FOR DISCUSSION ONLY:

2. A. Discussion and possible directions to staff on any and all matters regarding the consultant contract between the City of San Luis and James Davey and Associates for the new Community Park. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, presented Mayor and City Council with a proposal from James Davey and Associates for the new community park. This proposal includes sanitation, sewer, elevation, water, and engineering. These will be the infrastructure needed before staff starts the development in the park. He requested Mayor and City Council to approve staff to move forward with this project.

Mayor Gerardo Sanchez asked the members of City Council for their comments; there were none. He asked Mr. Galaviz to proceed with this item.

2. B. Discussion and possible action on any and all matters regarding the brick walls at various retention basins within the City of San Luis. (Lizandro Galaviz, Director of Parks & Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, presented recommendations of the various damaged walls that were a concern. He presented a cost estimate with a prioritized list; they all are in need of repairs. The total cost to complete all those included in the list will be approximately \$55,000.00.

Mayor Gerardo Sanchez commented that this is a small investment to the image, as walls are deteriorated and urgently need repairs.

Council Member Africa Luna-Carrasco agreed with Mayor Gerardo Sanchez and asked if funds are available for this project.

Mr. Galaviz replied that staff did not budget for this project, per the Finance Department, contingency funds can be utilized.

Ms. Monica Castro, Director of Finance, informed that contingency funds could be utilized on this project.

Council Members Matias Rosales, Jose Ponce, Gloria Torres, Mario Buchanan Jr. and Vice Mayor Maria Cecilia Cruz all agreed with Mayor Gerardo Sanchez.

Mayor Gerardo Sanchez directed Mr. Galaviz to proceed with this item.

2. C. Discussion and possible directions to staff on any and all matters regarding Ordinance No. 401. An ordinance of the Mayor and City Council of the City of San

Luis, Arizona, for the management of trees in the City of San Luis and practices for the care of the trees and removal when in the health, safety, and welfare interests of the residents; amending the San Luis City Code; repealing any conflicting provision; providing for severability, and providing for penalties. ITEM CONTINUED FROM THE REGULAR COUNCIL MEETING HELD SEPTEMBER 23, 2020. (Lizandro Galaviz, Director of Parks and Recreation)

Mr. Lizandro Galaviz, Director of Parks & Recreation, informed that he had met with different departments. He stated that one of the goals is to become a Tree City and improve with more trees and shade areas in the community. He stated that approving the ordinance will allow the city to apply for funding opportunities in the future.

Mayor Gerardo Sanchez stated that this program is needed in the community, as the city needs more green areas. He asked members of the City Council for their comments. They all agreed with Mayor Sanchez. He directed Mr. Galaviz to proceed with this item.

2. D. Discussion and possible directions to staff regarding the Ballot Initiative, Proposition No. 207 titled "Smart and Safe Arizona Act" on regulating legal sales, cultivation, and manufacturing products from marijuana and options for city ordinances. (Glenn J. Gimbut, Assistant City Attorney)

Mr. Glenn Gimbut, Assistant City Attorney, informed that Proposition 207 has a high chance of passing on the November 3, 2020, Election. He stated that the City Attorney's Association at the League of Arizona Cities and Towns has a working group. They have come up with a proposed model ordinance, which has different options in it. He asked the Mayor and Council for directions to staff on which option they would like to see. Mr. Gimbut summarized the memorandum on Proposition 207, attached to the agenda item filed in the City Clerk's Office. He stated that one of the things that the city can do that is legally safe is to force this into a dual-use facility, where medical and recreational marijuana can be at the same place. He commented that limiting the facilities to be a dual-use facility would lower the city's amount of activity. He asked the Mayor and City Council for directions on how staff should handle this matter.

Mayor Gerardo Sanchez commented that this should be treated as medical marijuana and place restrictions on where facilities can be placed. He asked members of the City Council for their comments. They all agree with Mayor Sanchez.

Mr. Gimbut thanked Mayor and City Council and stated that he would be working on a document to force dual-use facilities, banning testing facilities, and restricting cultivation to be the same as medical marijuana.

Mayor Gerardo Sanchez asked how driving while intoxicated will be treated and how it will be detected.

Mr. Gimbut replied that if Proposition 207 passes, it will bring several problems; one of them is driving while intoxicated. He mentioned that a discussion was held with the Chief of Police on treating this issue.

2. E. Discussion and possible directions to staff on any and all matters regarding budget adjustment for unavoidable overtime in the City Prosecutor's Office. (Jose de la Vara, City Prosecutor, and Kay Marion Macuil, City Attorney)

Mr. Jose de la Vara, City Prosecutor, informed that this item is to discuss overtime overage. He reported that during the last fiscal year, the office spent more than \$4,000.00 on overtime. This year, the department budgeted \$1,000.00, but the department is \$700.00 over the budgeted amount. He mentioned that one of the options discussed to reduce overtime is to take comp time. The workload does not allow the Legal Secretary to do that. The department has already lost vacation hours because they could not take them before. Furthermore, he mentioned that he has looked into a general ledger account to transfer funds from within the department, but that is not viable. He added that for this reason, staff is requesting a transfer of funds from the City Attorney's Legal Services to the City Prosecutor's Overtime budget. He mentioned that another problem that his office has encountered is the process server since it is no longer available through the Justice Court, as there is no contract in place for this service anymore.

Ms. Kay Marion Macuil, City Attorney, stated that she reviews the case files, and there is a lot of workload for a two (2) person office.

Mayor Gerardo Sanchez asked if the caseload had been increasing yearly if the overtime was considered when the budget was prepared. He also asked why the city no longer has a contract with the county for the process server service.

Ms. Macuil replied that instead of the overtime, staff requested a part-time position, but it was not funded. For this reason, the proposal is to cover the overage at the end of the fiscal year with a transfer of funds, as requested. She commented that the process server service through the county is no longer available because the county Civil Attorney found an Attorney General opinion from 1964, which states that the constable can not serve non-justice court paperwork. For this reason, there is no intergovernmental agreement.

Mr. de la Vara mentioned that the Police Department does not have the personnel to do this service. He added that the best option would be to go out to bid for this service, but if the city contracts with a process server, the funds will add up. He informed that his office is currently mailing the documentation, but that is not a viable solution.

Ms. Monica Castro, Director of Finance, mentioned that other municipalities use their Police Department services to do the process serving. She added that she could work with the Chief of Police to see if this service can be offered through the department and see where funds can be utilized to cover this service if the Chief of Police agrees.

Mr. Richard Jessup, Chief of Police, stated that the Police Department is always willing to help in serving some of the summons paperwork. He mentioned that he only sees it difficult when summons have to go out of the City of San Luis limits, which takes the officer away from the city. He added that the overtime budget is also an issue in his department, especially during the pandemic. He stated that Ms. Castro's solution would be an excellent solution to the problem. He noted that a solution would be to create a position within the Police Department to do the process server services and include other department duties. Furthermore, he mentioned that he would work with Ms. Castro to see how this problem can be solved.

Mayor Gerardo Sanchez agreed with Chief Jessup and mentioned staff would have to find out how much it will cost to hire a process server and compare that to a new position within the Police Department to determine what would be more viable.

Ms. Castro mentioned that staff would find out what would be more cost-effective and present them to the City Council.

Mr. Jessup mentioned that his department would work with the City Prosecutor's Department to find a solution to this matter.

Council Member Africa Luna-Carrasco commented that the City Prosecutor's Department needs to hire part-time help as it is not healthy that the Legal Secretary work long hours. She mentioned that it is crucial they budget for the position.

Council Members Matias Rosales, Jose Ponce, Gloria Torres, Mario Buchanan, and Vice Mayor Maria Cecilia Cruz all agreed with Council Member Africa Luna-Carrasco. Mayor Gerardo Sanchez, as agreed by all members of City Council, staff will find a solution for the process server service. He asked Mr. de la Vara what would help the department regarding the new position at his office.

Mr. de la Vara replied that he would like to have a new Legal Secretary to help with the department's daily duties.

Mayor Gerardo Sanchez directed staff to proceed with this item, as agreed by all City Council members.

2. F. Discussion and possible directions to staff on any and all matters regarding Resolution No. 2145. A resolution of the Mayor and City Council of the City of San Luis, Arizona amending the assessment for fiscal year 2020/2021 for the Rio Sereno Enhanced Municipal Services District to reduce the tax imposed from \$60,944.00 to \$11,031.00. (Monica Castro, Director of Finance)

Ms. Monica Castro, Director of Finance, informed that this item is related to Resolution No. 2144, which was presented during the last council meeting. She mentioned that in the previous meeting, it was noted that the meters were malfunctioning since October

2018. For this reason, staff went back and reviewed the billing from October 2018 to make sure it was included. She added that staff found that the current resolution amounts are correct after reviewing this information and including the credit on all overbill charges from October 2018 through June 2020.

Mayor Gerardo Sanchez commented that this item needs to be corrected immediately, and there should be no delay. Members of the City Council agreed with Mayor Sanchez. He asked Ms. Castro to proceed with this item as agreed by all members of the City Council.

2. G. Discussion and possible directions to staff on any and all matters regarding possible tactical urbanism project. (Jose A. Guzman, Director of Planning and Zoning)

Mr. Jose A. Guzman, Director of Planning & Zoning, stated that more people are requesting open space with this current pandemic situation. He mentioned that the idea is to implement temporary bike lanes and temporary pedestrian area. He added that the idea would be to close the downtown area for pedestrian-only. Mr. Guzman informed that each store owner would have a designated area where they will be allowed to take out their merchandise to display it outside. He stated that on the temporary bike lanes, the proposed idea is to close one of the lanes on Urtuzuastegui Street and make it a two-way bike lane only. This will only be a temporary project from December to April. He asked for Mayor and Council's suggestions.

Mayor Gerardo Sanchez commented that currently, Main Street is clear of merchandise, one of the things that the city wants to prevent is the display of merchandise outside their business. He asked if staff already spoke with business owners on this topic. He stated that a lot of businesses are struggling.

Mr. Guzman replied that he is waiting on the City Council's direction and see if they like the proposed project on Main Street.

Council Member Africa Luna-Carrasco agreed with Mayor Sanchez. She asked if closing Urtuzuastegui Street will work for the temporary bike lanes, as there are times that this street is congested.

Mr. Guzman replied that the Public Works Engineering Division would be involved in this project. If Council decides to move forward with this project, staff will come back to present an actual design.

Council Member Matias Rosales commented that he agrees with the bike lanes, but on Main Street's proposed project, staff will have to be clear and let business owners know that this will be a temporary project. He suggested designating one (1) day a month for merchants to have a sidewalk sale.

Council Members Jose Ponce, Mario Buchanan, Vice Mayor Maria Cecilia Cruz agreed with Mayor Sanchez, and Council Member Matias Rosales. They all stated that they would not like to go back and have the same problems as in the past, with merchants not understanding that this will only be on the days designated by the city.

Mr. Guzman mentioned that the idea was to help merchants minimize the impact they have with the pandemic; this will also allow them to practice social distancing.

Mr. Dylan Stackpole, Associate Planner, stated that it is important to close the southern part of Main Street to allow for pedestrian walkability and connectivity through the storefront. This will enable to close Main Street on the downtown area, and this will allow people to divert from the sidewalk and be part of the street and engage in more activities on the street. This which frees up space to sell their supplies in an area that is six feet or more. He added that this would also allow more space during seasonal work.

Council Member Matias Rosales stated that his concern would be the traffic in that area.

Mr. Stackpole replied that to avoid traffic in that area, staff have suggested using the Factor Sales Warehouse and McDonalds parking lot to allow traffic flow in that area.

Council Member Matias Rosales stated that he is for the proposed project, but only if it is done once a month.

Mr. Guzman replied that staff will talk to the merchants and will bring back to City Council the merchants' suggestions.

Council Member Gloria Torres agreed with the suggestions made by the other members of the City Council.

Mayor Gerardo Sanchez asked staff to do some research and come back to City Council with a proposal.

2. H. Discussion and possible directions to staff on any and all matters regarding hazard pay for essential workers from the Fire & Police Departments and Facilities Division. (Vice-Mayor Maria Cecilia Cruz; Monica Castro, Director of Finance; and Sondra Matthews, Director of Human Resources)

Vice Mayor Maria Cecilia Cruz stated that as COVID-19 cases have increased and are expected to increase during the winter, she believes that Fire & Police Departments and Facilities Division are at high risk. She mentioned that the City of Yuma has started to talk about implementing a hazard pay for Fire & Police Departments and added that San Luis should include the Facilities Division.

Mr. Lizandro Galaviz, Director of Parks & Recreation, mentioned that he requested to include the Facilities Division. They are the ones sanitizing and disinfecting the facilities where there have been positive cases. He added that this division has been working

non-stop since the pandemic started. He informed that there is a total of eight (8) staff members.

Ms. Sondra Matthews, Director of Human Resources, made a PowerPoint presentation, which is included in the complete agenda packet filed in the City Clerk's Office.

Vice Mayor Maria Cecilia Cruz stated that she intended to include first responders only as they were working while other city offices were closed.

Ms. Matthews replied that other departments were included in the presentation because staff did not know the timeframe City Council is looking at. The information was based on each department's functions that deal directly with the public, and that would have potential exposure based on their job functions.

Mayor Sanchez stated that he agreed with Vice Mayor Cruz, this should be for first responders as other offices were closed. He mentioned that this should be for those that did not have the option to stay home and were in direct contact; those were the Fire, Police, Facilities, and Waste Water. He stated that he agrees with Mr. Galaviz to include the Facilities Division on the first responder's list.

Ms. Monica Castro, Director of Finance, informed that there were no funds allocated in the budget for this type of payment. She mentioned that the staff did research and reached the contact person at Arizona Treasury, and staff was informed that Arizona CARES funding could not pay for the hazard pay. Staff was informed that the Federal Emergency Management Administration (FEMA) might be able to reimburse for that pay if employees are directly exposed to COVID-19. She stated that working with FEMA is a challenging process, and the city might get reimbursed. Thus, she suggested having a plan "B", which would be to pay through contingency funds. She mentioned that the amount would be based on the number of employees receiving the hazard pay and how long these benefits will last, whether it be a one-time or recurring payment. She added that all those factors are needed to see how much funding will be required. Ms. Castro mentioned that if the stipend is paid hourly this is a high risk and is not sustainable in the long term. She noted that a one-time lump sum is a fixed payment; this alternative is a lower risk, which will be her recommendation if City Council decides to proceed with this program.

Vice-Mayor Maria Cecilia Cruz thanked staff for the presentation and for been prepared for this meeting. She asked if the calculation is done only for those employees that are first responders to lower the number of employees to those that do home visits such as the Fire and Police Department. She stated that she would like to see the one-time lump sum if the City Council agrees with her proposal.

Council Member Mario Buchanan stated that he believes that the only departments at high risk would be wastewater and sanitation divisions as they are a non-stop division.

Council Member Gloria Torres commented that everyone is at risk, especially the wastewater division.

Council Member Matias Rosales agrees that fire, police, and wastewater are first responders. He mentioned that the city needs to protect its employees and something needs to be done.

Vice-Mayor Maria Cecilia Cruz stated that she understands that the city currently does not have the funds to pay for this, but this will help the city consider it, as the pandemic has no end date.

Mayor Sanchez stated that a lump sum would be ideal for first responders to include Waste Water, Facilities, Fire, and Police Departments. He asked Ms. Castro to make a cost estimate to see how much would be for only the departments mentioned.

Mr. Angel Ramirez, Fire Chief, commented that 220 firefighters were exposed, and only three (3) of those exposed tested positive. He mentioned that he had had meetings with his employees; as mentioned earlier, there will be a spike in COVID-19 positive cases. He thanked Mayor and City Council for taking his department and other departments into consideration.

Council Member Africa Luna-Carrasco agreed with Mayor Sanchez that the Finance Department should bring a cost estimate to City Council and also agreed to include Waste Water and the Facilities divisions.

Council Member Jose Ponce agreed with the other members of the City Council.

Mayor Gerardo Sanchez directed staff to proceed with this item and bring back to City Council a cost estimate for a lump sum for first responders to include Waste Water and Facilities divisions.

Ms. Kay Marion Macuil, City Attorney, informed it would be better to consider the payment to be applied in the future and not be retroactive as there are legal issues on adding pay to past services.

Mr. Tadeo A. De La Hoya, City Manager, informed that there are no property tax revenues as the city does not collect property taxes.

2. I. Update on any and all matters regarding the proposed hotel to be located on Main Street. (Vice-Mayor Maria Cecilia Cruz and Jenny Torres, Economic Development Manager)

Mayor Gerardo Sanchez informed that this item should be continued to be discussed in a future meeting.

Ms. Jenny Torres informed that she has this item scheduled for the work session scheduled on December 2, 2020, but if City Council desires, it can be discussed during the Special Council meeting scheduled for November 24, 2020.

3. ADJOURNMENT

MOTION: Council Member Mario Buchanan Jr./Council Member Jose Ponce to adjourn the work session at approximately 8:40 p.m. Motion passed unanimously.

The vote was as follows:

Mayor Gerardo Sanchez	Aye
Vice Mayor Maria Cecilia Cruz	Aye
Council Member Mario Buchanan Jr.	Aye
Council Member Africa Luna-Carrasco	Aye
Council Member Jose Ponce	Aye
Council Member Matias Rosales	Aye
Council Member Gloria Torres	Aye

APPROVED:

Gerardo Sanchez, Mayor

ATTEST:

Sonia Cornelio, City Clerk

Certification

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session for the City Council of the City of San Luis, Arizona, held on November 4, 2020. I further certify that the meeting was duly called and held and that a quorum was present.

Sonia Cornelio, City Clerk



AGENDA ITEM REVIEW FORM

Special City Council Meeting

5. B.

Meeting Date: 11/24/2020

Summary

DISBURSEMENTS FROM OCTOBER 30, 2020 THROUGH NOVEMBER 12, 2020

Total Disbursements \$730,105.02

(Seven Hundred Thirty Thousand, One Hundred Five Dollars and Two Cents)

Attachments

Disbursements



City of San Luis

Finance Department

COUNCIL MEETING NOVEMBER 25, 2020
Disbursement Report from 10/30/2020 to 11/12/2020

Bank Accounts	Check Date	Amount	Schedule
Payroll Check Account	11/5/2020	\$ 4,526.08	Schedule A
Accounts Payable Check Account	11/5/2020	\$ 225,970.80	Schedule B
Payroll Check Account	11/9/2020	\$ 331,281.83	Schedule C
Accounts Payable Check Account	11/12/2020	\$ 168,326.31	Schedule D

Total Disbursements: \$ 730,105.02

Please contact Ms. Monica Castro prior to the meeting if additional information is needed.

Prepared by Angelica V. Castro: _____

Verified by Director of Finance: _____

For Council approval on: _____

Mayor: _____

Council: _____

Pay Day Register

Pay Date Range 11/01/20 - 11/30/20

Pay Batch 202011M

Pay Batch 202011M Total
 Employees in Pay Batch 7
 Female Employees in Pay Batch 3

Hours Description	Hours	Gross	Withholdings and Deductions	Gross Base	Benefits	Gross Base
102 - SALARY	.0000	7,550.00	Gross	7,750.00	Dental Council	257.36 .00
806 - TELEPHONE STIPEND	.0000	200.00	Imputed Income		EODCRS - COUNCIL	108.00 1,800.00
Total	0.0000	\$7,750.00	FEDERAL TAX WITHHOLDING	115.13 5,664.24	EODCRS - DISABILITY	2.26 1,800.00
			SOCIAL SECURITY TAX	480.50 7,750.00	EODCRS/EORP LEGACY RATE	997.74 1,800.00
			MEDICARE	112.36 7,750.00	Health Council	6,358.99 .00
			STATE WITHHOLDING	154.06 5,664.24	Retirement Council EORP	3,532.23 5,750.00
			Council Retirement EORP	588.50 5,750.00	Vision Council	79.03 .00
			Dental Council	143.51 .00	Total	\$11,335.61
			EODCRS - COUNCIL	144.00 1,800.00	Workers' Comp	
			EODCRS - DISABILITY	2.26 1,800.00	MUNICIPAL/ TOWN/	135.65 7,750.00
			GARNISHMENT	221.11 .00	Total	\$135.65
			Medical Council	1,155.61 .00	Direct Deposits	
			MISCELLANEOUS	55.00 .00	1st Bank Yuma	729.54
			Vision Council	51.88 .00	Chase Bank	688.14
			Net	\$4,526.08 ✓	Federal Credit Union	939.74
					REALTORS FED CRED UNION	22.55
					Sunbank	919.47
					WASHINGTON FEDERAL	797.18
					Wells Fargo	429.46
					Total	\$4,526.08
					Check	\$0.00

Prepared by:
 Debora Luna

Date:

CC Cortes

Payment Register

From Payment Date: 11/2/2020 - To Payment Date: 11/5/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
					Reconciled		\$0.00	\$0.00	
					Voided		\$13,500.00	\$0.00	
					Stopped		\$0.00	\$0.00	
					Total		\$225,970.80	\$0.00	
All									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	65	\$212,470.80	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$13,500.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	66	\$225,970.80	\$0.00	
Grand Totals:									
Checks									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	65	\$212,470.80	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$13,500.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	66	\$225,970.80	\$0.00	
All									
					Status	Count	Transaction Amount	Reconciled Amount	
					Open	65	\$212,470.80	\$0.00	
					Reconciled	0	\$0.00	\$0.00	
					Voided	1	\$13,500.00	\$0.00	
					Stopped	0	\$0.00	\$0.00	
					Total	66	\$225,970.80	\$0.00	

Prepared By:
Maggie Dominguez
Date: Maggie IS
11/5/20



Payment Register

From Payment Date: 11/2/2020 - To Payment Date: 11/5/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
<u>Check</u>									
95931	11/04/2020	Open			Accounts Payable	ARIZONA DEPT OF ECONOMIC SECUR	\$5,844.34		
95932	11/05/2020	Open			Accounts Payable	AAED	\$328.00		
95933	11/05/2020	Open			Accounts Payable	AMAZON.COM SALES, INC.	\$181.91		
95934	11/05/2020	Open			Accounts Payable	APS/CLAIM #414-1352-AH	\$100.00		
95935	11/05/2020	Open			Accounts Payable	ARIZONA GLOVE AND SAFETY	\$40.00		
95936	11/05/2020	Open			Accounts Payable	AUTOZONE STORES, INC	\$443.54		
95937	11/05/2020	Open			Accounts Payable	CDWG	\$1,759.45		
95938	11/05/2020	Open			Accounts Payable	CELAYA, JOSE E	\$1,673.42		
95939	11/05/2020	Open			Accounts Payable	CENTURYLINK	\$1,377.43		
95940	11/05/2020	Open			Accounts Payable	CODE PUBLISHING COMPANY	\$3,120.75		
95941	11/05/2020	Open			Accounts Payable	COOPERATIVE PERSONNEL SERVICES	\$802.50		
95942	11/05/2020	Open			Accounts Payable	CSC OF YUMA	\$511.87		
95943	11/05/2020	Open			Accounts Payable	DESERT DOCUMENT SHREDDERS, LLC	\$35.00		
95944	11/05/2020	Open			Accounts Payable	DESERT VALLEY POWER SYSTEMS	\$2,207.75		
95945	11/05/2020	Open			Accounts Payable	DESERT VETERINARY CLINIC PLC	\$248.63		
95946	11/05/2020	Open			Accounts Payable	FISHER CHRYSLER	\$99.95		
95947	11/05/2020	Open			Accounts Payable	GUST ROSENFELD P.L.C.	\$1,704.00		
95948	11/05/2020	Open			Accounts Payable	HEINFELD, MEECH & CO., P.C.	\$16,568.75		
95949	11/05/2020	Open			Accounts Payable	IRON MOUNTAIN INC	\$52.08		
95950	11/05/2020	Open			Accounts Payable	JAUREGUI, MARIO	\$300.00		
95951	11/05/2020	Open			Accounts Payable	MANHATTANLIFE ASSURANCE CO	\$291.54		
95952	11/05/2020	Open			Accounts Payable	MASSMUTUAL FINANCIAL GROUP	\$40.00		
95953	11/05/2020	Open			Accounts Payable	MATRIX DESIGN GROUP, INC	\$41,000.00		
95954	11/05/2020	Open			Accounts Payable	MCNEECE BROS. OIL COMPANY, INC	\$23,074.03		
95955	11/05/2020	Open			Accounts Payable	METRO MARKETING, INC.	\$450.00		
95956	11/05/2020	Open			Accounts Payable	MGM INTERNET SOLUTIONS, INC	\$53.00		
95957	11/05/2020	Open			Accounts Payable	MID-AMERICAN RESEARCH CHEMICAL	\$778.16		
95958	11/05/2020	Voided		11/05/2020	Accounts Payable	MOLINA, YOLANDA	\$13,500.00		
95959	11/05/2020	Open			Accounts Payable	MONTIJO, ALEJANDRA	\$300.00		
95960	11/05/2020	Open			Accounts Payable	MOTOROLA SOLUTIONS, INC	\$47,785.84		
95961	11/05/2020	Open			Accounts Payable	NAT'L ASSOC OF LATINO ELECTED & APPOINTED OFFICIAL	\$100.00		
95962	11/05/2020	Open			Accounts Payable	NATIONAL ASSOC OF GOV'T ARCHIVES/RECORDS ADMIN	\$89.00		
95963	11/05/2020	Open			Accounts Payable	NAVARRO, CARLETTE	\$500.00		
95964	11/05/2020	Open			Accounts Payable	NEW YORK LIFE INSURANCE CO.	\$169.12		
95965	11/05/2020	Open			Accounts Payable	NICHOLS LOCK & KEY	\$185.00		
95966	11/05/2020	Open			Accounts Payable	NXTLVL FOUNDATION	\$1,000.00		
95967	11/05/2020	Open			Accounts Payable	PARTIDA, ENRIQUE	\$279.00		
95968	11/05/2020	Open			Accounts Payable	PETTY CASH/ ANGELICA CIFUENTES	\$936.95		
95969	11/05/2020	Open			Accounts Payable	PREPAID LEGAL SERVICES	\$112.60		

Pay Day Register

Pay Date Range 10/24/20 - 11/06/20
Pay Batch 202023

TRANSWESTERN MEXICAN	96.76
U.S. MEX DENTAL - EE &	615.90
U.S. MEX DENTAL - EE &	123.18
UNITED WAY	14.00
US & MEX DENTAL= FAMILY	691.74
US & MEX HEALTH = C	5,266.58
US & MEX HEALTH = FAMILY	6,967.68
US & MEX HEALTH = SP	996.38
VSP - VISION FAMILY	713.90
Net	<u>\$331,281.83</u> ✓

.00 Workers' Comp		Gross Base
.00 ANIMAL CONTROL OFFICERS	59.55	2,646.40
.00 ATTORNEY- ALL & CLERICAL-	73.49	33,404.90
.00 AUTO SERVICE/ REPAIR	255.16	9,145.74
.00 BUILDING- NOC OPER BY	1,052.10	29,063.72
.00 BUS COMPANY AND DRIVERS	152.66	2,765.62
.00 CLERICAL OFFICE/ LIBRARY/	283.88	118,269.29
.00 Electrician	59.11	1,882.40
.00 FIREFIGHTERS & DRIVERS	3,934.94	89,837.65
GARBAGE/ ASH/ REFUSE	280.69	4,491.11
MUNICIPAL/ TOWN/	89.73	5,127.20
PARKS- NOC ALL EMPLOYEES	585.47	18,886.26
POLICE OFFICERS	4,283.51	97,797.34
RECREATION- ALL EMPLOYEES/	209.68	15,305.76
SEWAGE DISPOSAL/ PLANT	622.45	18,094.48
Street or Road Construction	1,932.47	24,065.22
WATERWORKS OPERATIONS	560.66	16,156.80
Total	<u>\$14,435.55</u>	

Direct Deposits	Amount
1st Bank Yuma	28,778.86
ACADEMY BANK	2,933.93
Bank of America	1,150.00
Bankcorp	150.00
BBVA COMPASS	915.08
Charles Sch	200.00
Chase Bank	157,958.40
CHASE BANK CA	963.51
chase centro	1,034.92
chase online	1,233.66
Federal Credit Union	36,064.12
FF CREDIT UNION	1,778.18
FIREFIGHTER FIRST CREDIT UNION	4,546.16
FIRST NATIONAL BANK TEXAS	804.65
GREEN DOT BANK	359.43
MIT FEDERAL CREDIT UNION	207.94
National Bank	1,910.37
Navy Federal	17,830.84
NetSpend Corporation DD	120.00
NORTH ISLAND CREDIT UNION	647.24
Sunbank	1,128.48
USAA FEDERAL SAVING	1,258.03
WASHINGTON FEDERAL	932.61

Prepared by:
Debra Luna

Date:

CCortez

11-09-2020

Approved by

Payment Register

From Payment Date: 11/9/2020 - To Payment Date: 11/12/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference	
96067	11/12/2020	Open			Utility Management Refund	ROSALES, IRENE	\$144.75			
96068	11/12/2020	Open			Utility Management Refund	RUIZ, SORANGEL, I	\$207.21			
96069	11/12/2020	Open			Utility Management Refund	SOLORIO, IRIS-ZENIA	\$11.22			
96070	11/12/2020	Open			Utility Management Refund	SOTO, ALEJANDRO	\$28.42			
Type Check Totals:										
1BYPAYABLE - 1st BY Accounts Payable Totals							74 Transactions	\$168,326.31		

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	74	\$168,326.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	74	\$168,326.31	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	74	\$168,326.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	74	\$168,326.31	\$0.00

Grand Totals:

Checks	Status	Count	Transaction Amount	Reconciled Amount
	Open	74	\$168,326.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	74	\$168,326.31	\$0.00

All	Status	Count	Transaction Amount	Reconciled Amount
	Open	74	\$168,326.31	\$0.00
	Reconciled	0	\$0.00	\$0.00
	Voided	0	\$0.00	\$0.00
	Stopped	0	\$0.00	\$0.00
	Total	74	\$168,326.31	\$0.00

Prepared By:
Maggie Dominguez
 Date: *Maggie D.*
11/12/2020
MR

Payment Register

From Payment Date: 11/9/2020 - To Payment Date: 11/12/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
1BYPAYABLE - 1st BY Accounts Payable									
Check									
95997	11/10/2020	Open			Accounts Payable	BALSINO, PETER, M	\$6.85		
95998	11/10/2020	Open			Accounts Payable	CHARGO PA, GURSTEL	\$26.95		
95999	11/10/2020	Open			Accounts Payable	FOP/ALC	\$390.00		
96000	11/10/2020	Open			Accounts Payable	INTERNAL REVENUE SERVICE	\$100.00		
96001	11/10/2020	Open			Accounts Payable	SAN LUIS POLICE OFFICERS ASSOC	\$375.00		
96002	11/10/2020	Open			Accounts Payable	SUPPORT PAYMENT CLEARINGHOUSE	\$3,572.03		
96003	11/10/2020	Open			Accounts Payable	UNITED STATES TREASURY	\$221.11		
96004	11/10/2020	Open			Accounts Payable	UNITED WAY OF YUMA COUNTY INC.	\$14.00		
96005	11/10/2020	Open			Accounts Payable	UNITED YUMA FIRE FIGHTERS ASSOC	\$90.50		
96006	11/10/2020	Open			Accounts Payable	UNITED YUMA FIRE FIGHTERS- IAFF	\$975.00		
96007	11/10/2020	Open			Accounts Payable	UNITED IRON WORKS & TRUCKS BODY, LLC	\$4,990.40		
96008	11/12/2020	Open			Accounts Payable	AMAZON.COM SALES, INC.	\$387.77		
96009	11/12/2020	Open			Accounts Payable	AMREP INC.	\$798.67		
96010	11/12/2020	Open			Accounts Payable	ANGUIANO, RAYMUNDO	\$150.00		
96011	11/12/2020	Open			Accounts Payable	APPLIED PRODUCTS GROUP LLC	\$10,643.51		
96012	11/12/2020	Open			Accounts Payable	ARIZONA FURNISHINGS	\$9,977.00		
96013	11/12/2020	Open			Accounts Payable	BERKELEY RESEARCH GROUP LLC	\$17,932.50		
96014	11/12/2020	Open			Accounts Payable	BOBADILLA, YADIRA	\$327.00		
96015	11/12/2020	Open			Accounts Payable	CDWG	\$12,542.35		
96016	11/12/2020	Open			Accounts Payable	DANA-KEPNER COMPANY INC.	\$15,390.00		
96017	11/12/2020	Open			Accounts Payable	ENGLISH, JAMES, D	\$598.00		
96018	11/12/2020	Open			Accounts Payable	ENTERPRISE FM TRUST	\$763.76		
96019	11/12/2020	Open			Accounts Payable	ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC.	\$4,415.87		
96020	11/12/2020	Open			Accounts Payable	GETHSEMANI FOOD MINISTRY	\$250.00		
96021	11/12/2020	Open			Accounts Payable	ITURBIDE, VANESSA, C	\$40.00		
96022	11/12/2020	Open			Accounts Payable	JAMES COOKE & HOBSON INC.	\$4,033.40		
96023	11/12/2020	Open			Accounts Payable	L & B MOBILE MEDICAL, INC	\$1,700.00		
96024	11/12/2020	Open			Accounts Payable	LESLIE'S POOL SUPPLY INC.	\$968.03		
96025	11/12/2020	Open			Accounts Payable	LOOMIS	\$1,721.88		
96026	11/12/2020	Open			Accounts Payable	LUNA, CYNTHIA	\$100.00		
96027	11/12/2020	Open			Accounts Payable	MACHADO, IVAN & AIXIA GUTIERREZ	\$900.00		
96028	11/12/2020	Open			Accounts Payable	MCNEECE BROS. OIL COMPANY, INC	\$1,433.25		
96029	11/12/2020	Open			Accounts Payable	MENDEZ ROBLES, NAZZER, O	\$4,824.92		
96030	11/12/2020	Open			Accounts Payable	MERRILL WALKER BUILDERS, INC.	\$39,985.02		
96031	11/12/2020	Open			Accounts Payable	NATIONAL TACTICAL OFFICERS	\$150.00		
96032	11/12/2020	Open			Accounts Payable	POLAR ICE LLC	\$316.08		
96033	11/12/2020	Open			Accounts Payable	PREPAID LEGAL SERVICES	\$112.60		
96034	11/12/2020	Open			Accounts Payable	PURCELL TIRE CO.	\$1,765.11		
96035	11/12/2020	Open			Accounts Payable	RDO EQUIPMENT CO.	\$514.09		

Payment Register

From Payment Date: 11/9/2020 - To Payment Date: 11/12/2020

Number	Date	Status	Void Reason	Reconciled/ Voided Date	Source	Payee Name	Transaction Amount	Reconciled Amount	Difference
96036	11/12/2020	Open			Accounts Payable	RIMMER LIGHTING LLC	\$2,475.00		
96037	11/12/2020	Open			Accounts Payable	RODRIGUEZ, DANIEL	\$1,412.50		
96038	11/12/2020	Open			Accounts Payable	SAN LUIS AIR CONDITIONING LLC	\$2,800.00		
96039	11/12/2020	Open			Accounts Payable	SIMS MACKIN, LTD.	\$3,685.00		
96040	11/12/2020	Open			Accounts Payable	SUN RENTAL AND SALES INC.	\$443.51		
96041	11/12/2020	Open			Accounts Payable	VAPEX ENVIRONMENTAL TECHNOLOGIES INC	\$1,104.18		
96042	11/12/2020	Open			Accounts Payable	WALSHE, RUBEN	\$76.00		
96043	11/12/2020	Open			Accounts Payable	WESTERN SUN SYSTEMS, INC	\$314.14		
96044	11/12/2020	Open			Accounts Payable	YUMA NURSERY SUPPLY	\$6,115.53		
96045	11/12/2020	Open			Accounts Payable	YUMA REGIONAL MEDICAL CENTER	\$767.11		
96046	11/12/2020	Open			Accounts Payable	YUMA WINNELSON CO.	\$2,977.71		
96047	11/12/2020	Open			Accounts Payable	ZEPEDA, CESAR	\$108.00		
96048	11/12/2020	Open			Utility Management Refund	CORREA, ANA, GABRIELA	\$143.95		
96049	11/12/2020	Open			Utility Management Refund	ESPOINOZA, CARMEN, J	\$93.89		
96050	11/12/2020	Open			Utility Management Refund	FELIX, NIDIA, C	\$214.00		
96051	11/12/2020	Open			Utility Management Refund	HAMMOND MARICELA & CELAYA KEVIN &	\$97.01		
96052	11/12/2020	Open			Utility Management Refund	JAIME BEJARANO & MARYTZA LOPEZ	\$153.93		
96053	11/12/2020	Open			Utility Management Refund	LOMELI, JENNIFER	\$162.37		
96054	11/12/2020	Open			Utility Management Refund	LOPEZ, LEONARDO & DALIA C	\$46.05		
96055	11/12/2020	Open			Utility Management Refund	MARTINEZ, OCTAVIO, H	\$159.08		
96056	11/12/2020	Open			Utility Management Refund	MIGUEL A DURAN & JANETH PEREZ	\$108.29		
96057	11/12/2020	Open			Utility Management Refund	MUMBY, SUSANNE	\$27.54		
96058	11/12/2020	Open			Utility Management Refund	NAVARRO, ANTONIO & SILVIA	\$154.14		
96059	11/12/2020	Open			Utility Management Refund	PADILLA, ROBERTO & MARIA PEREZ	\$73.38		
96060	11/12/2020	Open			Utility Management Refund	PEREZ, DANYA	\$193.07		
96061	11/12/2020	Open			Utility Management Refund	PINA HERNANDEZ, MARIA	\$116.85		
96062	11/12/2020	Open			Utility Management Refund	RAMIREZ, PATRICIA	\$180.91		
96063	11/12/2020	Open			Utility Management Refund	RIEDEL CONSTRUCTION INC	\$54.39		
96064	11/12/2020	Open			Utility Management Refund	RIVAS, PEDRO A. & MELISSA MARTINEZ	\$23.42		
96065	11/12/2020	Open			Utility Management Refund	ROJAS, ROSA E.	\$94.28		
96066	11/12/2020	Open			Utility Management Refund	ROJAS, CARLOS, H	\$56.83		



AGENDA ITEM REVIEW FORM

Special City Council Meeting

6. A.

Meeting Date: 11/24/2020

Department Head: Richard Jessup, Chief of Police, Police Department

Submitted By: Michelle Boucher, Administrative Coordinator, Police Department

Action Requested: Motion

ITEM:

Discussion and possible action on any and all matters regarding authorization to purchase three (3) fully marked and equipped new 2021 Ford F150 Crew Cab 4 x 4 Short Box pick-up trucks using Fiscal Year 2020-2021 Capital Projects budgeted funds. **(Richard Jessup, Chief of Police)**

SUMMARY:

Purchase of the Vehicles

The San Luis Police Department is seeking approval for the purchase of three (3) new 2021 Ford F150 Crew Cab 4 x 4 pick-up trucks. The first truck will be assigned to a Patrol Supervisor, the second truck will be assigned to the K9 Unit, and the third truck will be assigned to the Chief of Police. The funds for the purchase of these vehicles was approved as a Fiscal-Year 2020-2021 Capital Project to purchase three (3) marked and equipped pick-up trucks. The pick-up trucks will be purchased through Bill Alexander Ford of Yuma, AZ, which has provided the lowest bid of \$112,574.46 for the three (3) trucks. Peoria Ford provided quotes for three (3) new 2021 Ford F150 Crew Cab 4 x 4 pick-up trucks of \$115,462.56, which is the price for the State Contract.

Purchase to Equip the Vehicles

The pick-up trucks will be fully equipped and marked by Arizona Emergency Products (AEP) using Yavapai County contract #2018-346, which provides a cost reduction from that of the dealership state contract. The quotes provided to fully equip the three (3) new trucks will be a total of \$59,680.97. However, AEP's quote is based on the current 2020 model F-150 (which is no longer in production) and not the redesigned 2021 F-150. Some part numbers and pricing may change after the new 2021 F-150 Responder and SSV models are released.

Total Purchase

Within the budgeted amount of \$180,000.00, there are sufficient funds to purchase and equip three (3) new 2021 Ford F150 Crew Cab 4 x 4 pick-up trucks. The total cost for all three (3) new trucks will be \$172,255.43 at the current quote of AEP. Even with the possible adjustments for 2021 models, the Department expects to stay well below the \$180,000.00 budget. Since, a precise quote is not possible at this time, staff is requesting that the City Council approves a total amount not to exceed \$180,000.00.

San Luis City Code-Purchasing

The equipping and marking of the vehicles come under the San Luis City Code-Purchasing, Section 36.09 Cooperative Purchasing since it is using the Yavapai County contract.

The vehicle price is lower than the state contract. Staff will be asking Council to waive the formal purchase procedures under San Luis City Code-Purchasing, Section 36.01(H), to get the lower price.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO WAIVE FORMAL PURCHASING PROCEDURES UNDER CITY CODE SECTION 36.01(H) FOR \$112,574.46 TO PURCHASE THREE (3) NEW 2021 FORD F150 CREW CAB 4 x 4 SHORT BOX PICK-UP TRUCKS AND APPROVE THE MARKING AND EQUIPPING OF THE VEHICLES FOR AN AMOUNT NOT TO EXCEED \$67,425.54 FOR A TOTAL AMOUNT NOT TO EXCEED \$180,000.00 AS PRESENTED.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM: Yes
CITY/STATE/FEDERAL FUNDS: City
TOTAL: \$172,255.43
BUDGETED AMOUNT: \$180,000.00
AVAILABLE AMOUNT TO TRANSFER: N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE: 100-999-9000 \$180,000.00
FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):

The total amount to purchase all three (3) new vehicles will be \$172,255.43. Fiscal Year 2020-2021 budgeted amount was \$180,000.00. Total purchase not to exceed the budgeted amount of \$180,000.00.

Attachments

Patrol Truck and Equipment Quotes
K9 Truck & Equipment Quotes
Chief of Police Truck & Equipment Quotes



JESUS URBALEJO
 928-344-2200
 JURBALEJO@BILLALEXANDERFORD.COM

CITY OF SAN LUIS PD
 NIGEL REYNOSO
NREYNOSO@SANLUIAZ.GOV

REF: F-150 Oxford White

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 SHORT BOX	\$34,012.60
2	998	3.5 ECOBOOST	INCLUDED
3	STD	BACKUP CAMERA	INCLUDED
4	XL3	LOCKING 3.31 REAR AXEL	INCLUDED
5	50S	CRUISE CONTROL	INCLUDED
6	53B	CLASS IV HITCH	INCLUDED
7	76R	REVERSE SENSING	INCLUDED
8	85A	POWER EQUIPMENT	INCLUDED
9		BAKFLIP COVER	INCLUDED
10		LEVELING KIT	\$450.00
11		WINDOW TINT	\$125.00
12			
		TAXABLE TOTAL	\$34,587.60
		SALES TAX (85349)	\$2,932.22
		TIRE TAX	\$5.00
		TOTAL PER UNIT	\$37,524.82
		QUANTITY OF UNITS	1.00
		PO TOTAL	\$37,524.82



PFVT MOTORS, INC.

CONTRACT # ADSP017-166117

QUOTE DATE: 10/26/2020

CUSTOMER: SAN LUIS

CONTACT: NIGEL REYNOSO

E-MAIL: NREYNOSO@SANLUISAZ.GOV

SANDRA GONZALEZ

9130 West Bell Road

Peoria, Arizona 85382

Direct: 480-696-5930

Cell: 505-850-5504

Fax: 480-393-5536

Email: sgonzalez@peoriaford.com

REFERENCE: 2021 F-150

Antimatter Blue

LEAD TIME: 12-14 WEEKS

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 - SHORT BOX	\$ 30,654.00
2	998	3.5L ECOBOOST	\$ 2,595.00
3	STD	BACKUP CAMERA	\$ -
4	XL3	LOCKING 3.31 REAR AXLE	NC
5	50S	CRUISE CONTROL	NC
6	53B	CLASS IV HITCH	\$ 150.00
7	76R	REVERSE SENSING	\$ 275.00
8	85A	POWER EQUIPMENT	NC
9	DIO	WINDOW TINT	NC
10	DIO	SPRAY IN BED LINER	\$ 325.00
11	UPFIT	LEVELING KIT, BAKFLIP COVER	\$ 1,600.00
12			\$ -
13			\$ -
TAXABLE TOTAL			\$ 35,599.00
SALES TAX			\$ 2,883.52
WARRANTY COST			\$ -
TIRE TAX			\$ 5.00
FREIGHT			\$ -
TOTAL PER UNIT			\$ 38,487.52
QUANTITY OF UNITS			1
PO TOTAL			\$ 38,487.52

*DSE - DEALER SUPPLIED EQUIPMENT

***ALL VEHICLES PURCHASED ON STATE CONTRACT SHALL INCLUDE FOLLOWING OPTIONS, UNLESS OPTION IS ELECTED TO BE DELETED:**

- BLUETOOTH - AM/FM/RADIO, CRUISE CONTROL, POWER DOORS AND WINDOWS, 4 ENTRANCE KEYS, FRONT AND REAR A/C - WHEN AVAILABLE, CLOTH SEATS, REAR CAMERA, SPARE TIRE, FLOOR MATS, ARIZONA LEGAL TINT

ALL TRUCKS WILL INCLUDE ADDITIONAL OPTIONS:

- ANTI-SLIP DIFFERENTIAL AND TOW HOOKS (2WD/4WD)
- 4WD TRUCKS - SKID PLATES

THANK YOU FOR YOUR BUSINESS!



Quotation

Date Oct 16, 2020	Page 1
Order Number QTE0028217	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Ship To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / F		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		POC: Lt. Reynoso / 928-341-2437 / San Luis PD POC: Michelle Boucher / 928-341-2420 ext 2209 / San Luis PD *** Sound Off Lighting and Siren Package / Half Cage *** UPDATED 10/20/2020 - Per Email from Lt. Reynoso			
1.00	LBAR03263 / ENFWB000JB	nForce Interior Light Bar for a F-150 / DS R-W and PS B-W Contract price of 50% off Sound Off MSRP of \$1,695.00	847.5000	Y	847.50
1.00	BUMP00696 / BK2168FDT15F15	PB-450-L4 Lighted Push Bumper, 2017+ F-150 Responder Contract price of 10% off Setina MFG MSRP of \$999.00	899.1000	Y	899.10
4.00	INST05440 / AEP-Misc	Upgrade to Tri-Color Red / Blue / White Push Bumper Lights Contract price of 10% off Setina MFG MSRP of \$61.00	54.9000	Y	219.60
1.00	FLAS00095 / ETHFSS-SP	100% SS multi pattern headlight flasher no Contract price of 50% off Sound Off MSRP of \$70.00	35.0000	Y	35.00
2.00	LEDS03659 / ENT2B3RBW	Intersector LED Under Mirror Warning Light, Red/Blue/White	149.0000	Y	298.00

Quotation continued on next page ...



Quotation

Date Oct 16, 2020	Page 2
Order Number QTE0028217	

Arizona Emergency Products

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P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / F		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 50% off Sound Off MSRP of \$298.00			
2.00	LEDS03388 / EMPS2STS4J	mPOwer Fascia LED, Stud Mount, 12-LED, Red/Blue Contract price of 50% off Sound Off MSRP of \$196.00	98.0000	Y	196.00
2.00	LEDS03364 / PMP2BKDGAJ	90 deg Adjustable Mounting Bracket for mPower LED Contract price of 50% off Sound Off MSRP of \$12.00	6.0000	Y	12.00
1.00	LEDS03573 / ET4CCL11JJB1	F-150 CHMSL Light / LED Lighting System / Red – Blue Contract price of 50% off Sound Off MSRP of \$1,191.00	595.5000	Y	595.50
1.00	LBAR03370 / EL3PD08A00J	ULTRILITE 8MOD RED / BLUE REAR STICK Contract price of 50% off Sound Off MSRP of \$732.00	366.0000	Y	366.00
2.00	LEDS03674 / ELUC3H010B	Universal Under Cover LED Insert, 5-Wire, Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	FLAS00022 / ETFBSSN-P	Sound Off backflash module. Ford Contract price of 50% off Sound Off MSRP of \$77.00	38.5000	Y	38.50
2.00	LEDS03678 / ELUC3H010J	Universal Under Cover LED Insert, 5-Wire, Red/ Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	LEDS03775 / ENL160J	Soundoff 60" nLINE Surface mount LED Red/Blue Contract price of 50% off Sound Off MSRP of \$774.00	387.0000	Y	387.00
1.00	SIRE00405 / ETSA481CSR	400 SERIES 100W CONSOLE KNOB SIREN	338.0000	Y	338.00

Quotation continued on next page ...



Quotation

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San Luis, AZ 85349

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / t		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 50% off Sound Off MSRP of \$676.00			
1.00	SIRE00475 / ETSS100N	100N SERIES PROFESSIONAL COMPOSITE SPEAKER Contract price of 50% off Sound Off MSRP of \$347.00	173.5000	Y	173.50
1.00	SPOT00327 / 325PL-0002	6" SPOTLIGHT HALOGEN BLACK HOUSING Contract price of 50% off Unity MFG MSRP of \$293.33	146.6700	Y	146.67
1.00	SPOT00106 / 189	Unity Installation Kit for driver side of F-Series Super Dut Contract price of 50% off Unity MFG MSRP of \$70.00	35.0000	Y	35.00
1.00	CONS01179 / CC-WBOS-20	20" WIDE-BODY STORAGE CONSOLE Contract price of 30% off Troy Products MSRP of \$665.00	465.5000	Y	465.50
1.00	CONS01485 / AC-F150-15	Ford F-150; For applications where center seat is removed; M Included with price of console	0.0000	N	0.00
1.00	FACE00682 / FP-ETSA481	4" FACE PLATE FOR SOUND OFF481 SIREN CONTROLLER Included with price of console	0.0000	N	0.00
1.00	FACE00439 / FP-MXTL2500	3" Face Plate for a remote Motorola XTL2500 Included with price of console	0.0000	N	0.00
1.00	FACE00386 / FP-BLNK1	One (1) Inch Blank Faceplate	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 16, 2020	Page 4
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Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
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Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top Full Patrol / H	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 16, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Included with price of console			
1.00	FACE00376 / FP-AP12-3	2" plate w/ 3 DC outlet holes. Included with price of console	0.0000	N	0.00
2.00	FACE00472 / L3-AP1SET	DC outlet plug with black captured cap. PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$12.00	8.4000	Y	16.80
1.00	BATT00456 / USBR12V	ROUND FLUSH MOUNT 2 PORT USB 1.14" (2.1A/1A) Fixed contract price	9.9900	Y	9.99
1.00	FACE00388 / FP-BLNK2	Two (2) Inch Blank Face Plate. Included with price of console	0.0000	N	0.00
1.00	FACE00443 / FP-SGTRAY	Sunglass Holder 4" PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$40.00	28.0000	Y	28.00
1.00	CONS00720 / AC-INBHG	Internal Beverage Holder w/Rubber Pieces Priced with Contract price of 30% off Troy Products MSRP of \$52.00	36.4000	Y	36.40
1.00	CONS01148 / AC-SIDEARM-6	6" long pad on side-mount L-Bracket, ht. adjustable PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$94.00	65.8000	Y	65.80

Quotation continued on next page ...



Quotation

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Arizona Emergency Products

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P O Box 7740
San Luis, AZ 85349

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / F		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
2.00	CONS01276 / MMBP-25	Magnetic Microphone Mount BP Not on contract / Open market price / MSRP \$34.99	29.9900	Y	59.98
1.00	COMP01703 / CM-F15-SL-LED	Passenger Side Computer Mounting System. 2015 + F-150 Contract price of 30% off Troy Products MSRP of \$595.00	416.5000	Y	416.50
1.00	COMP01803 / DS-PAN-1112-2	CF33 Laptop/ Tablet Docking Station, Dual RF w/ Power Supply Contract price of 25% off Havis MSRP of \$1,568.84	1,176.6300	Y	1,176.63
1.00	DOME00005 / ECVDMLTAL00	SOUND OFF WHITE/RED ALL LED DOMELIGHT-UNIVERSAL Contract price of 50% off Sound Off MSRP of \$104.00	52.0000	Y	52.00
1.00	GUNM00716 / RPN9001	Raptor Single Weapon Rack with Lock for an AR-15 Not on contract / Open market price / MSRP \$425.00	401.6200	Y	401.62
1.00	GUNM00717 / RPN9017	Raptor Partition Mounting Kit with 15 Degree Offset Angle Not on contract / Open market price / MSRP \$50.00	47.2500	Y	47.25
1.00	PRIS01536 / PK0419FDT15F15	10VS C RP Coated Poly Partition '15 F-150 Contract price of 10% off Setina MFG MSRP of \$919.00	827.1000	Y	827.10
1.00	PRIS01952 / TK1261FDT15F15	CARGO DECK W/ DRAWER	1,853.1000	Y	1,853.10

Quotation continued on next page ...



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Date Oct 16, 2020	Page 6
Order Number QTE0028217	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
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Sold To:

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P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top Full Patrol / F	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 16, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 10% off Setina MFG MSRP of \$2,059.00			
1.00	VACC02251 / TPA14129	Setina Upper Cargo Deck - Requires part # TK1261FDT15F150 Contract price of 10% off Setina MFG MSRP of \$299.99	269.9900	Y	269.99
1.00	MISC90000 / MISC	Replacement Transport Seat with SMART Seat Belt System Contract price of 10% off Setina MFG MSRP of \$969.00	872.1000	Y	872.10
1.00	PRIS01537 / WK0514FDT15F15	WINDOW BARRIER VS STEEL, HORIZONTAL FOR 15-* F-150 Contract price of 10% off Setina MFG MSRP of \$269.00	242.1000	Y	242.10
1.00	PRIS01538 / WK0626FDT15F15	WINDOW BARRIER VS STEEL REAR WINDOW FOR 15-* F-150 Contract price of 10% off Setina MFG MSRP of \$239.00	215.1000	Y	215.10
1.00	PRIS02114 / 1D1396FDT15F15	'DOOR PANEL S TPO PLASTIC PASSENGER only Contract price of 10% off Setina MFG MSRP of \$164.99	148.4900	Y	148.49
1.00	DOME00023 / ECVDMILTST4	Universal LED Interior Dome Light, (24) Bright White LED's, Contract price of 50% off Sound Off MSRP of \$39.54	19.7700	Y	19.77
1.00	GUNM00462 / WEI-004	Dual rail weapons rack w/dual SC-5 handcuff keyed locks	499.1200	Y	499.12

Quotation continued on next page ...



Quotation

Date Oct 16, 2020	Page 7
Order Number QTE0028217	

Arizona Emergency Products

3433 E Wood St
 Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
 P O Box 7740
 San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
 AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / H		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 25% off Weiser Weapon Mounts MSRP of 665.50			
1.00	AIRB00076 / AOI0022	Front Passenger Side Hardwired Air Bag On / Off Switch Contract price of 25% off Pro-Gard / AOI MSRP of \$254.00	190.5000	Y	190.50
1.00	ALAR00115 / S.I. 340U	03-06 Expedition/Navigator'05-* F150, Secure Idle Not on contract / Open market price	148.8500	Y	148.85
1.00	STOR00738 / DF4	Decked DF4/Rear Storage System, 18 Ford F150 POLICE 5.5" Be / MSRP \$1,249.99	1,185.0000	Y	1,185.00
1.00	VACC01705 / AT1	Decked AT1 / 48 Inch Core Trax Tie Down System Not on contract / Open market price / MSRP \$110.00	108.7500	Y	108.75
1.00	VACC01706 / AD1	Decked AD1 / Drawer Lock Set with Matching Keys Not on contract / Open market price / MSRP \$45.00	30.0000	Y	30.00
1.00	VACC01707 / AD2	Decked AD2 / Drawer Divider Set / Four Pack Not on contract / Open market price / MSRP \$20.00	15.0000	Y	15.00
1.00	PATC00231 / SM001	Patrol Power, Gen2, Univ Surface Mount Contract price of 35% off Patrol Power MSRP of \$885.00	575.2500	Y	575.25
1.00	VACC00885 / Graphics	Graphics Kit / As Per San Luis PD Specs	520.8900	Y	520.89

Quotation continued on next page ...



Quotation

Date Oct 16, 2020	Page 8
Order Number QTE0028217	

Arizona Emergency Products

3433 E Wood St
 Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

Ship To:

San Luis Police Department, City of
 P O Box 7740
 San Luis, AZ 85349

AEP PHX INSTALL
 AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / H		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Not on contract / Open market price			
1.00	GRAP90001 / Graphics	Graphics Installation Not on contract / Open market price	320.0000	N	320.00
2.00	INST00172 / BR0062	Bracket for Mounting LED Lights in the Rear Window Not on contract / Open market price	9.9900	Y	19.98
1.00	INST05440 / AEP-Misc	Shop Supplies	75.0000	Y	75.00
55.00	LABO90001 / AEP INSTALL	All Labor Charges to Install All Above Equipment EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	3,575.00
5.00	LABO90001 / AEP INSTALL	Additional Laboe Charge to Pre-Wire per Yuma Wireless Specs EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	325.00
		Inbound freight charges for all the above equipment		N	450.00
		*** Customer Supplied Equipment ***			
3.00	INST05685 / CSM	NMOKHFUC Coax Cable	0.0000	N	0.00
2.00	INST05685 / CSM	RFT-1202-2T TNC Male RG58 Connector	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 16, 2020	Page 9
Order Number QTE0028217	

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San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Full Patrol / H		SAN10606	BPY	Oct 16, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	INST05685 / CSM	081-115BK-1000 Mini UHF RG58 Connector	0.0000	N	0.00
1.00	INST05685 / CSM	BMLPVMB / LTE Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	GPS-NMO Low Profile GPS Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	BMAX7633S 760-870 MHz Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 InterDeck Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Trunnion Mounting Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Radio Speaker with Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Remote Head Power Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motoroal XTL 5000 Radio Power Cable	0.0000	N	0.00

Thank you for the opportunity to earn your business Terms & Conditions: <ul style="list-style-type: none"> • Estimates valid for 60 days • Orders will be invoiced upon notification of completion • Returns subject to 25% restocking fee. No returns on special order items. • Credit Card payments accepted for payments of orders/invoicing totaling \$10,000 or less only. SIGNATURE (not required if PO/contract is issued) _____	Parts	15,445.93
	Labor / Services	4,220.00
	Trans / Trip / Fee	450.00
	Shipping	0.00
	Order Discount	0.00
	Subtotal	20,115.93
	Total sales tax	1,328.35
	Total order	21,444.28



JESUS URBALEJO
 928-344-2200
 JURBALEJO@BILLALEXANDERFORD.COM

CITY OF SAN LUIS PD
 NIGEL REYNOSO
NREYNOSO@SANLUIAZ.GOV

REF: F-150 Iconic Silver

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 SHORT BOX	\$34,012.60
2	998	3.5 ECOBOOST	INCLUDED
3	STD	BACKUP CAMERA	INCLUDED
4	XL3	LOCKING 3.31 REAR AXEL	INCLUDED
5	50S	CRUISE CONTROL	INCLUDED
6	53B	CLASS IV HITCH	INCLUDED
7	76R	REVERSE SENSING	INCLUDED
8	85A	POWER EQUIPMENT	INCLUDED
9		BAKFLIP COVER	INCLUDED
10		LEVELING KIT	\$450.00
11		WINDOW TINT	\$125.00
12			
		TAXABLE TOTAL	\$34,587.60
		SALES TAX (85349)	\$2,932.22
		TIRE TAX	\$5.00
		TOTAL PER UNIT	\$37,524.82
		QUANTITY OF UNITS	1.00
		PO TOTAL	\$37,524.82



PFVT MOTORS, INC.

CONTRACT # **ADSP017-166117**

QUOTE DATE: 10/26/2020

CUSTOMER: SAN LUIS

CONTACT: NIGEL REYNOSO

E-MAIL: NREYNOSO@SANLUISAZ.GOV

SANDRA GONZALEZ

9130 West Bell Road

Peoria, Arizona 85382

Direct: 480-696-5930

Cell: 505-850-5504

Fax: 480-393-5536

Email: sgonzalez@peoriaford.com

REFERENCE: 2021 F-150
Iconic Silver

LEAD TIME: 12-14 WEEKS

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 - SHORT BOX	\$ 30,654.00
2	998	3.5L ECOBOOST	\$ 2,595.00
3	STD	BACKUP CAMERA	\$ -
4	XL3	LOCKING 3.31 REAR AXLE	NC
5	50S	CRUISE CONTROL	NC
6	53B	CLASS IV HITCH	\$ 150.00
7	76R	REVERSE SENSING	\$ 275.00
8	85A	POWER EQUIPMENT	NC
9	DIO	WINDOW TINT	NC
10	DIO	SPRAY IN BED LINER	\$ 325.00
11	UPFIT	LEVELING KIT, BAKFLIP COVER	\$ 1,600.00
12			\$ -
13			\$ -
			TAXABLE TOTAL
			\$ 35,599.00
			SALES TAX
			\$ 2,883.52
			WARRANTY COST
			\$ -
			TIRE TAX
			\$ 5.00
			FREIGHT
			\$ -
			TOTAL PER UNIT
			\$ 38,487.52
			QUANTITY OF UNITS
			1
			PO TOTAL
			\$ 38,487.52

*DSE - DEALER SUPPLIED EQUIPMENT

***ALL VEHICLES PURCHASED ON STATE CONTRACT SHALL INCLUDE FOLLOWING OPTIONS, UNLESS OPTION IS ELECTED TO BE DELETED:**

- BLUETOOTH - AM/FM/RADIO, CRUISE CONTROL, POWER DOORS AND WINDOWS, 4 ENTRANCE KEYS, FRONT AND REAR A/C - WHEN AVAILABLE, CLOTH SEATS, REAR CAMERA, SPARE TIRE, FLOOR MATS, ARIZONA LEGAL TINT

ALL TRUCKS WILL INCLUDE ADDITIONAL OPTIONS:

- ANTI-SLIP DIFFERENTIAL AND TOW HOOKS (2WD/4WD)
- 4WD TRUCKS - SKID PLATES

THANK YOU FOR YOUR BUSINESS!



Quotation

Date Oct 14, 2020	Page 1
Order Number QTE0028188	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
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Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		POC: Lt. Reynoso / 928-341-2437 / San Luis PD POC: Michelle Boucher / 928-341-2420 ext 2209 / San Luis PD *** Sound Off Lighting and Siren Package *** UPDATED 10/20/2020 - Per Email from Lt. Reynoso			
1.00	LBAR03263 / ENFWB000JB	nForce Interior Light Bar for a F-150 / DS R-W and PS B-W Contract price of 50% off Sound Off MSRP of \$1,695.00	847.5000	Y	847.50
4.00	LEDS03504 / EMPS2STS5RBW	mPower Fascia LED, Stud Mount, 18-LED, Red/Blue/White Contract price of 50% off Sound Off MSRP of \$217.00	108.5000	Y	434.00
4.00	LEDS03364 / PMP2BKDGAJ	90 deg Adjustable Mounting Bracket for mPower LED Contract price of 50% off Sound Off MSRP of \$12.00	6.0000	Y	24.00
2.00	LEDS03678 / ELUC3H010J	Universal Under Cover LED Insert, 5-Wire, Red/ Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	FLAS00095 / ETHFSS-SP	100% SS multi pattern headlight flasher no Contract price of 50% off Sound Off MSRP of \$70.00	35.0000	Y	35.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 2
Order Number QTE0028188	

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Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
2.00	LEDS03659 / ENT2B3RBW	Intersector LED Under Mirror Warning Light, Red/Blue/White Contract price of 50% off Sound Off MSRP of \$298.00	149.0000	Y	298.00
2.00	LEDS03388 / EMPS2STS4J	mPower Fascia LED, Stud Mount, 12-LED, Red/Blue Contract price of 50% off Sound Off MSRP of \$196.00	98.0000	Y	196.00
2.00	LEDS03364 / PMP2BKDGAJ	90 deg Adjustable Mounting Bracket for mPower LED Contract price of 50% off Sound Off MSRP of \$12.00	6.0000	Y	12.00
1.00	LEDS03573 / ET4CCL11JJB1	F-150 CHMSL Light / LED Lighting System / Red - Blue Contract price of 50% off Sound Off MSRP of \$1,191.00	595.5000	Y	595.50
2.00	LEDS03674 / ELUC3H010B	Universal Under Cover LED Insert, 5-Wire, Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	FLAS00022 / ETFBSSN-P	Sound Off backflash module. Ford Contract price of 50% off Sound Off MSRP of \$77.00	38.5000	Y	38.50
2.00	LEDS03678 / ELUC3H010J	Universal Under Cover LED Insert, 5-Wire, Red/ Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	LEDS03775 / ENL160J	Soundoff 60" nLINE Surface mount LED Red/Blue Contract price of 50% off Sound Off MSRP of \$774.00	387.0000	Y	387.00
1.00	SIRE00405 / ETSA481CSR	400 SERIES 100W CONSOLE KNOB SIREN	338.0000	Y	338.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 3
Order Number QTE0028188	

Arizona Emergency Products

3433 E Wood St
 Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
 P O Box 7740
 San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
 AEP PHX INSTALL

Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
---------------------	---------------------	---------------------------	--------------	---

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 50% off Sound Off MSRP of \$676.00			
1.00	SIRE00475 / ETSS100N	100N SERIES PROFESSIONAL COMPOSITE SPEAKER Contract price of 50% off Sound Off MSRP of \$347.00	173.5000	Y	173.50
1.00	BKRT00102 / ETSSVBK04	Speaker Mounting Bracket, 18+ F150 (1 or 2 J/N Speakers) Contract price of 50% off Sound Off MSRP of \$115.00	57.5000	Y	57.50
1.00	SPOT00327 / 325PL-0002	6" SPOTLIGHT HALOGEN BLACK HOUSING Contract price of 50% off Unity MFG MSRP of \$293.33	146.6700	Y	146.67
1.00	SPOT00106 / 189	Unity Installation Kit for driver side of F-Series Super Dut Contract price of 50% off Unity MFG MSRP of \$70.00	35.0000	Y	35.00
1.00	CONS01179 / CC-WBOS-20	20" WIDE-BODY STORAGE CONSOLE Contract price of 30% off Troy Products MSRP of \$665.00	465.5000	Y	465.50
1.00	CONS01485 / AC-F150-15	Ford F-150; For applications where center seat is removed; M Included with price of console	0.0000	N	0.00
1.00	FACE00682 / FP-ETSA481	4" FACE PLATE FOR SOUND OFF481 SIREN CONTROLLER Included with price of console	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 4
Order Number QTE0028188	

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Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	FACE00439 / FP-MXTL2500	3" Face Plate for a remote Motorola XTL2500 Included with price of console	0.0000	N	0.00
1.00	FACE00386 / FP-BLNK1	One (1) Inch Blank Faceplate Included with price of console	0.0000	N	0.00
1.00	FACE00376 / FP-AP12-3	2" plate w/ 3 DC outlet holes. Included with price of console	0.0000	N	0.00
2.00	FACE00472 / L3-AP1SET	DC outlet plug with black captured cap. PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$12.00	8.4000	Y	16.80
1.00	BATT00456 / USBR12V	ROUND FLUSH MOUNT 2 PORT USB 1.14" (2.1A/1A) Fixed contract price	9.9900	Y	9.99
1.00	FACE00388 / FP-BLNK2	Two (2) Inch Blank Face Plate. Included with price of console	0.0000	N	0.00
1.00	FACE00443 / FP-SGTRAY	Sunglass Holder 4" PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$40.00	28.0000	Y	28.00
1.00	CONS00720 / AC-INBHG	Internal Beverage Holder w/Rubber Pieces Priced with Contract price of 30% off Troy Products MSRP of \$52.00	36.4000	Y	36.40

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 5
Order Number QTE0028188	

Arizona Emergency Products

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Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	CONS01148 / AC-SIDEARM-6	6" long pad on side-mount L-Bracket, ht. adjustable PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$94.00	65.8000	Y	65.80
2.00	CONS01276 / MMBP-25	Magnetic Microphone Mount BP Not on contract / Open market price / MSRP \$34.99	29.9900	Y	59.98
1.00	COMP01703 / CM-F15-SL-LED	Passenger Side Computer Mounting System. 2015 + F-150 Contract price of 30% off Troy Products MSRP of \$595.00	416.5000	Y	416.50
1.00	COMP01803 / DS-PAN-1112-2	CF33 Laptop/ Tablet Docking Station, Dual RF w Power Supply Contract price of 25% off Havis MSRP of \$1,568.84	1,176.6300	Y	1,176.63
1.00	DOME00005 / ECVDMLTAL00	SOUND OFF WHITE/RED ALL LED DOMELIGHT-UNIVERSAL Contract price of 50% off Sound Off MSRP of \$104.00	52.0000	Y	52.00
1.00	GUNM00716 / RPN9001	Raptor Single Weapon Rack with Lock for an AR-15 Not on contract / Open market price / MSRP \$425.00	401.6200	Y	401.62
1.00	GUNM00718 / RPN9011-F150	Raptor Free Standing Mounting Kit for a F-150 Not on contract / Open market price / MSRP \$108.00	102.0600	Y	102.06

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 6
Order Number QTE0028188	

Arizona Emergency Products

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Ship To:

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Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Chief Build		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	GUNM00612 / GVM8116D-H	Self-Supporting Dual Weapon Tri-Lock Gunrack w/ Handcuff Key Contract price of 25% off Pro-Gard / AOI MSRP of \$579.00	434.2500	Y	434.25
1.00	AIRB00076 / AOI0022	Front Passenger Side Hardwired Air Bag On / Off Switch Contract price of 25% off Pro-Gard / AOI MSRP of \$254.00	190.5000	Y	190.50
1.00	ALAR00115 / S.I. 340U	03-06 Expedition/Navigator'05-* F150, Secure Idle Not on contract / Open market price	148.8500	Y	148.85
1.00	PATC00231 / SM001	Patrol Power, Gen2, Univ Surface Mount Contract price of 35% off Patrol Power MSRP of \$885.00	575.2500	Y	575.25
1.00	VACC00885 / Graphics	Graphics Kit / As Per San Luis PD Specs Not on contract / Open market price	520.8900	Y	520.89
1.00	GRAP90001 / Graphics	Graphics Installation Not on contract / Open market price	320.0000	N	320.00
2.00	INST00172 / BR0062	Bracket for Mounting LED Lights in the Rear Window Not on contract / Open market price	9.9900	Y	19.98
1.00	INST05440 / AEP-Misc	Shop Supplies	75.0000	Y	75.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 7
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Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top Chief Build		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
45.00	LABO90001 / AEP INSTALL	All Labor Charges to Install All Above Equipment EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	2,925.00
5.00	LABO90001 / AEP INSTALL	Additional Laboe Charge to Pre-Wire per Yuma Wireless Specs EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	325.00
		Inbound freight charges for all the above equipment		N	450.00
		*** Customer Supplied Equipment ***			
3.00	INST05685 / CSM	NMOKHFUC Coax Cable	0.0000	N	0.00
2.00	INST05685 / CSM	RFT-1202-2T TNC Male RG58 Connector	0.0000	N	0.00
1.00	INST05685 / CSM	081-115BK-1000 Mini UHF RG58 Connector	0.0000	N	0.00
1.00	INST05685 / CSM	BMLPVMB / LTE Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	GPS-NMO Low Profile GPS Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	BMAX7633S 760-870 MHz Antenna	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 8
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Arizona Emergency Products

3433 E Wood St
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Reference 2021 F-150 / Slick Top Chief Build	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	INST05685 / CSM	Motorola XTL 5000 InterDeck Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Trunnion Mounting Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Radio Speaker with Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Remote Head Power Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motoroal XTL 5000 Radio Power Cable	0.0000	N	0.00

Thank you for the opportunity to earn your business Terms & Conditions: <ul style="list-style-type: none"> • Estimates valid for 60 days • Orders will be invoiced upon notification of completion • Returns subject to 25% restocking fee. No returns on special order items. • Credit Card payments accepted for payments of orders/invoicing totaling \$10,000 or less only. SIGNATURE (not required if PO/contract is issued) _____	Parts	8,813.17
	Labor / Services	3,570.00
	Trans / Trip / Fee	450.00
	Shipping	0.00
	Order Discount	0.00
	Subtotal	12,833.17
	Total sales tax	757.93
	Total order	13,591.10



JESUS URBALEJO
 928-344-2200
 JURBALEJO@BILLALEXANDERFORD.COM

CITY OF SAN LUIS PD
 NIGEL REYNOSO
NREYNOSO@SANLUIAZ.GOV

REF: F-150 Antimatter Blue

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 SHORT BOX	\$34,012.60
2	998	3.5 ECOBOOST	INCLUDED
3	STD	BACKUP CAMERA	INCLUDED
4	XL3	LOCKING 3.31 REAR AXEL	INCLUDED
5	50S	CRUISE CONTROL	INCLUDED
6	53B	CLASS IV HITCH	INCLUDED
7	76R	REVERSE SENSING	INCLUDED
8	85A	POWER EQUIPMENT	INCLUDED
9		BAKFLIP COVER	INCLUDED
10		LEVELING KIT	\$450.00
11		WINDOW TINT	\$125.00
12			
		TAXABLE TOTAL	\$34,587.60
		SALES TAX (85349)	\$2,932.22
		TIRE TAX	\$5.00
		TOTAL PER UNIT	\$37,524.82
		QUANTITY OF UNITS	1.00
		PO TOTAL	\$37,524.82



PFVT MOTORS, INC.

CONTRACT # ADSP017-166117
QUOTE DATE: 10/26/2020

SANDRA GONZALEZ
 9130 West Bell Road
 Peoria, Arizona 85382
Direct: 480-696-5930
Cell: 505-850-5504
 Fax: 480-393-5536
 Email: sgonzalez@peoriaford.com

CUSTOMER: SAN LUIS
 CONTACT: NIGEL REYNOSO
 E-MAIL: NREYNOSO@SANLUISAZ.GOV

REFERENCE: 2021 F-150
oxford white

LEAD TIME: 12-14 WEEKS

LINE ITEM	ORDER CODE	DESCRIPTION	PRICE
1	W1E	2021 F-150 CREW CAB 4X4 - SHORT BOX	\$ 30,654.00
2	998	3.5L ECOBOOST	\$ 2,595.00
3	STD	BACKUP CAMERA	\$ -
4	XL3	LOCKING 3.31 REAR AXLE	NC
5	50S	CRUISE CONTROL	NC
6	53B	CLASS IV HITCH	\$ 150.00
7	76R	REVERSE SENSING	\$ 275.00
8	85A	POWER EQUIPMENT	NC
9	DIO	WINDOW TINT	NC
10	DIO	SPRAY IN BED LINER	\$ 325.00
11	UPFIT	LEVELING KIT, BAKFLIP COVER	\$ 1,600.00
12			\$ -
13			\$ -
TAXABLE TOTAL			\$ 35,599.00
SALES TAX			\$ 2,883.52
WARRANTY COST			\$ -
TIRE TAX			\$ 5.00
FREIGHT			\$ -
TOTAL PER UNIT			\$ 38,487.52
QUANTITY OF UNITS			1
PO TOTAL			\$ 38,487.52

*DSE - DEALER SUPPLIED EQUIPMENT

***ALL VEHICLES PURCHASED ON STATE CONTRACT SHALL INCLUDE FOLLOWING OPTIONS, UNLESS OPTION IS ELECTED TO BE DELETED:**
 - BLUETOOTH - AM/FM/RADIO, CRUISE CONTROL, POWER DOORS AND WINDOWS, 4 ENTRANCE KEYS, FRONT AND REAR A/C - WHEN AVAILABLE, CLOTH SEATS, REAR CAMERA, SPARE TIRE, FLOOR MATS, ARIZONA LEGAL TINT
ALL TRUCKS WILL INCLUDE ADDITIONAL OPTIONS:
 - ANTI-SLIP DIFFERENTIAL AND TOW HOOKS (2WD/4WD)
 - 4WD TRUCKS - SKID PLATES

THANK YOU FOR YOUR BUSINESS!



Quotation

Date Oct 14, 2020	Page 1
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

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Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		POC: Lt. Alvarez / 928-271-7256 / San Luis PD POC: Michelle Boucher / 928-341-2420 ext 2209 / San Luis PD *** Sound Off Lighting and Siren Package *** UPDATED 10/20/2020 - Per Email from Lt. Reynoso			
1.00	LBAR03263 / ENFWB000JB	nForce Interior Light Bar for a F-150 / DS R-W and PS B-W Contract price of 50% off Sound Off MSRP of \$1,695.00	847.5000	Y	847.50
1.00	FLAS00095 / ETHFSS-SP	100% SS multi pattern headlight flasher no Contract price of 50% off Sound Off MSRP of \$70.00	35.0000	Y	35.00
2.00	LEDS03678 / ELUC3H010J	Universal Under Cover LED Insert, 5-Wire, Red/ Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
4.00	LEDS03504 / EMPS2STS5RBW	mPower Fascia LED, Stud Mount, 18-LED, Red/Blue/White Contract price of 50% off Sound Off MSRP of \$217.00	108.5000	Y	434.00
2.00	LEDS03364 / PMP2BKDGAJ	90 deg Adjustable Mounting Bracket for mPower LED Contract price of 50% off Sound Off MSRP of \$12.00	6.0000	Y	12.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 2
Order Number QTE0028180	

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AEP PHX INSTALL
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Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
2.00	LEDS03659 / ENT2B3RBW	Intersector LED Under Mirror Warning Light, Red/Blue/White Contract price of 50% off Sound Off MSRP of \$298.00	149.0000	Y	298.00
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2.00	LEDS03364 / PMP2BKDG AJ	90 deg Adjustable Mounting Bracket for mPower LED Contract price of 50% off Sound Off MSRP of \$12.00	6.0000	Y	12.00
1.00	LEDS03573 / ET4CCL11JJB1	F-150 CHMSL Light / LED Lighting System / Red – Blue Contract price of 50% off Sound Off MSRP of \$1,191.00	595.5000	Y	595.50
2.00	LEDS03674 / ELUC3H010B	Universal Under Cover LED Insert, 5-Wire, Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	FLAS00022 / ETFBSSN-P	Sound Off backflash module. Ford Contract price of 50% off Sound Off MSRP of \$77.00	38.5000	Y	38.50
2.00	LEDS03678 / ELUC3H010J	Universal Under Cover LED Insert, 5-Wire, Red/ Blue Contract price of 50% off Sound Off MSRP of \$133.00	66.5000	Y	133.00
1.00	LEDS03775 / ENL160J	Soundoff 60" nLINE Surface mount LED Red/Blue Contract price of 50% off Sound Off MSRP of \$774.00	387.0000	Y	387.00
1.00	SIRE00405 / ETSA481CSR	400 SERIES 100W CONSOLE KNOB SIREN	338.0000	Y	338.00

Quotation continued on next page ...



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2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
		Contract price of 50% off Sound Off MSRP of \$676.00			
1.00	SIRE00475 / ETSS100N	100N SERIES PROFESSIONAL COMPOSITE SPEAKER Contract price of 50% off Sound Off MSRP of \$347.00	173.5000	Y	173.50
1.00	BKRT00102 / ETSSVBK04	Speaker Mounting Bracket, 18+ F150 (1 or 2 J/N Speakers) Contract price of 50% off Sound Off MSRP of \$115.00	57.5000	Y	57.50
1.00	SPOT00327 / 325PL-0002	6" SPOTLIGHT HALOGEN BLACK HOUSING Contract price of 50% off Unity MFG MSRP of \$293.33	146.6700	Y	146.67
1.00	SPOT00106 / 189	Unity Installation Kit for driver side of F-Series Super Dut Contract price of 50% off Unity MFG MSRP of \$70.00	35.0000	Y	35.00
1.00	CONS00745 / CC-MC-22	22" Console (7"slope front/ 15" level).. Contract price of 30% off Troy Products MSRP of \$519.00	363.3000	Y	363.30
1.00	CONS01485 / AC-F150-15	Ford F-150; For applications where center seat is removed; M Included with price of console	0.0000	N	0.00
1.00	FACE00682 / FP-ETSA481	4" FACE PLATE FOR SOUND OFF481 SIREN CONTROLLER Included with price of console	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 4
Order Number QTE0028180	

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Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	FACE00439 / FP-MXTL2500	3" Face Plate for a remote Motorola XTL2500 Included with price of console	0.0000	N	0.00
1.00	FACE00704 / FP-ACEK9	4" FACEPLATE FOR ACE K9 CONTROL HEAD Included with price of console	0.0000	N	0.00
1.00	FACE00376 / FP-AP12-3	2" plate w/ 3 DC outlet holes. Included with price of console	0.0000	N	0.00
2.00	FACE00472 / L3-AP1SET	DC outlet plug with black captured cap. PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$12.00	8.4000	Y	16.80
1.00	BATT00456 / USBR12V	ROUND FLUSH MOUNT 2 PORT USB 1.14" (2.1A/1A) Fixed contract price	9.9900	Y	9.99
1.00	FACE00443 / FP-SGTRAY	Sunglass Holder 4" PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$40.00	28.0000	Y	28.00
1.00	CONS00720 / AC-INBHG	Internal Beverage Holder w/Rubber Pieces Priced with Contract price of 30% off Troy Products MSRP of \$52.00	36.4000	Y	36.40
1.00	FACE00386 / FP-BLNK1	One (1) Inch Blank Faceplate Included with price of console	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 5
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top K-9 Unit	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
---	------------------	---------------------------------	---------------------------	-----------------------------------	-----------------	-----------------------

Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
---------------------	---------------------	---------------------------	--------------	---

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	CONS01148 / AC-SIDEARM-6	6" long pad on side-mount L-Bracket, ht. adjustable PL 2012-01-01 Contract price of 30% off Troy Products MSRP of \$94.00	65.8000	Y	65.80
2.00	CONS01276 / MMBP-25	Magnetic Microphone Mount BP Not on contract / Open market price / MSRP \$34.99	29.9900	Y	59.98
1.00	COMP01703 / CM-F15-SL-LED	Passenger Side Computer Mounting System. 2015 + F-150 Contract price of 30% off Troy Products MSRP of \$595.00	416.5000	Y	416.50
1.00	COMP01803 / DS-PAN-1112-2	CF33 Laptop/ Tablet Docking Station, Dual RF w/ Power Supply Contract price of 25% off Havis MSRP of \$1,568.84	1,176.6300	Y	1,176.63
1.00	DOME00005 / ECVDMLTAL00	SOUND OFF WHITE/RED ALL LED DOMELIGHT-UNIVERSAL Contract price of 50% off Sound Off MSRP of \$104.00	52.0000	Y	52.00
1.00	GUNM00716 / RPN9001	Raptor Single Weapon Rack with Lock for an AR-15 Not on contract / Open market price / MSRP \$425.00	401.6200	Y	401.62
1.00	GUNM00717 / RPN9017	Raptor Partition Mounting Kit with 15 Degree Offset Angle Not on contract / Open market price / MSRP \$50.00	47.2500	Y	47.25

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 6
Order Number QTE0028180	

Arizona Emergency Products

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Sold To:

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P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	K9AD00410 / EZPF-F150-2015	EZ RIDER K9 PLATFORM FOR 15-* F-150 CREW CAB Contract price of 25% off American Aluminum MSRP of \$2,990.00	2,242.5000	Y	2,242.50
1.00	K9AD00398 / PCK9-Matte-Blk	Matte Black Powder Coat - Included w/Platform Included with price of K-9 insert	0.0000	N	0.00
1.00	K9AD00397 / EZLED	EZ LED POD White Only w/ Switch (Included w/platform) Included with price of K-9 insert	0.0000	N	0.00
1.00	K9AD00421 / Rubber Mat	Delux Non Toxic Custom Fit Rubber- included with K9 insert Included with price of K-9 insert	0.0000	N	0.00
1.00	K9AD00277 / WATER DISH	Water Dish w/Bracket Contract price of 25% off American Aluminum MSRP of \$130.00	97.5000	Y	97.50
1.00	K9AD00480 / HA-FKT10-P	10 Inch Window Fan Kit with Activation Mod and Manual Switch Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$239.00	227.0500	Y	227.05
1.00	K9AD00286 / HA-FWG	Heavy Duty Fan Guard Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$85.00	80.7500	Y	80.75

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 7
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	K9AD00449 / HP-5020	Hot N Pop Pro -Need year, make and model when ordering Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$1,299.00	1,234.0500	Y	1,234.05
1.00	K9AD00451 / NKLBK-P	No K9 Left Behind Kit/ For Use with HP-5020 Systems Only Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$69.00	65.5500	Y	65.55
1.00	K9AD00515 / AWD-7040	Ace K-9 Watch Dog Add On Control Kit for AceWatchDog App Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$899.00	854.0500	Y	854.05
1.00	K9AD00450 / HP-RBM-27-400	Long range Remote Pager Module w/ HP-ANT-F Antenna Contract price of 5% off ACE K-9 / Radiotronics MSRP of \$325.00	308.7500	Y	308.75
1.00	AIRB00076 / AOI0022	Front Passenger Side Hardwired Air Bag On / Off Switch Contract price of 25% off Pro-Gard / AOI MSRP of \$254.00	190.5000	Y	190.50
1.00	ALAR00115 / S.I. 340U	03-06 Expedition/Navigator'05-* F150, Secure Idle Not on contract / Open market price	148.8500	Y	148.85

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 8
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
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Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	STOR00738 / DF4	DDecked DF4/Rear Storage System, 18 Ford F150 POLICE 5.5" Be Not on contract / Open market Price / MSRP \$1,249.99	1,185.0000	Y	1,185.00
1.00	VACC01705 / AT1	Decked AT1 / 48 Inch Core Trax Tie Down System Not on contract / Open market price / MSRP \$110.00	108.7500	Y	108.75
1.00	VACC01706 / AD1	Decked AD1 / Drawer Lock Set with Matching Keys Not on contract / Open market price / MSRP \$45.00	30.0000	Y	30.00
1.00	VACC01707 / AD2	Decked AD2 / Drawer Divider Set / Four Pack Not on contract / Open market price / MSRP \$20.00	15.0000	Y	15.00
1.00	VACC02038 / 3003	KUSTOM EAGLE 3 DUAL ANTENNA RADAR SYSTEM Better than contract price of 10% off Kustom MSRP of \$3,560.00	2,720.0000	Y	2,720.00
1.00	PATC00231 / SM001	Patrol Power, Gen2, Univ Surface Mount Contract price of 35% off Patrol Power MSRP of \$885.00	575.2500	Y	575.25
1.00	VACC00885 / Graphics	Graphics Kit / As Per San Luis PD Specs Not on contract / Open market price	520.8900	Y	520.89
1.00	GRAP90001 / Graphics	Graphics Installation Not on contract / Open market price	320.0000	N	320.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 9
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
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Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference	PO Number	Customer No.	Salesperson	Order Date	Ship Via	Terms
2021 F-150 / Slick Top K-9 Unit		SAN10606	BPY	Oct 14, 2020		NET30

Year	Make	Model	Color	State Contract #
2021	Ford	F-150 SSV		Yavapai County Contract # 2018-346

Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
2.00	INST00172 / BR0062	Bracket for Mounting LED Lights in the Rear Window Not on contract / Open market price	9.9900	Y	19.98
1.00	INST05440 / AEP-Misc	Shop Supplies	100.0000	Y	100.00
70.00	LABO90001 / AEP INSTALL	All Labor Charges to Install All Above Equipment EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	4,550.00
5.00	LABO90001 / AEP INSTALL	Additional Laboe Charge to Pre-Wire per Yuma Wireless Specs EVT-Certified Technician Labor Fixed contract labor rate of \$65.00 per hour	65.0000	N	325.00
		Inbound freight charges for all the above equipment		N	550.00
		*** Customer Supplied Equipment ***			
3.00	INST05685 / CSM	NMOKHFUC Coax Cable	0.0000	N	0.00
2.00	INST05685 / CSM	RFT-1202-2T TNC Male RG58 Connector	0.0000	N	0.00
1.00	INST05685 / CSM	081-115BK-1000 Mini UHF RG58 Connector	0.0000	N	0.00
1.00	INST05685 / CSM	BMLPVMB / LTE Antenna	0.0000	N	0.00

Quotation continued on next page ...



Quotation

Date Oct 14, 2020	Page 10
Order Number QTE0028180	

Arizona Emergency Products

3433 E Wood St
Phoenix, AZ 85040
Phone: (602) 453-9111
Fax: (602) 453-3743

Sold To:

San Luis Police Department, City of
P O Box 7740
San Luis, AZ 85349

Ship To:

AEP PHX INSTALL
AEP PHX INSTALL

Reference 2021 F-150 / Slick Top K-9 Unit	PO Number	Customer No. SAN10606	Salesperson BPY	Order Date Oct 14, 2020	Ship Via	Terms NET30
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Year 2021	Make Ford	Model F-150 SSV	Color	State Contract # Yavapai County Contract # 2018-346
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Qty. Ord.	Item / Vendor Part Number	Description	Unit Price	Tax	Extended Price
1.00	INST05685 / CSM	GPS-NMO Low Profile GPS Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	BMAX7633S 760-870 MHz Antenna	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 InterDeck Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Trunnion Mounting Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Radio Speaker with Bracket	0.0000	N	0.00
1.00	INST05685 / CSM	Motorola XTL 5000 Remote Head Power Cable	0.0000	N	0.00
1.00	INST05685 / CSM	Motoroal XTL 5000 Radio Power Cable	0.0000	N	0.00

Thank you for the opportunity to earn your business Terms & Conditions: <ul style="list-style-type: none"> • Estimates valid for 60 days • Orders will be invoiced upon notification of completion • Returns subject to 25% restocking fee. No returns on special order items. • Credit Card payments accepted for payments of orders/invoicing totaling \$10,000 or less only. SIGNATURE (not required if PO/contract is issued) _____	Parts	17,403.86
	Labor / Services	5,195.00
	Trans / Trip / Fee	550.00
	Shipping	0.00
	Order Discount	0.00
	Subtotal	23,148.86
	Total sales tax	1,496.73
	Total order	24,645.59



AGENDA ITEM REVIEW FORM

Special City Council Meeting

6. B.

Meeting Date: 11/24/2020

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

Submitted By: Melissa Lopez, Deputy City Clerk, City Clerk's Office

Action Requested: Motion
Public Hearing

ITEM:

Public hearing followed by discussion and possible action on any and all matters regarding the recommendation of an Application for Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses and Control for La Bodega Kitchen and Bar. **(Ruben Walshe, La Bodega Kitchen and Bar)**

- A. Open public hearing
 - 1. Staff / Applicant Presentation
 - 2. Call to the public on this item
- B. Close public hearing
- C. Action on Application For Extension of Premises/Patio Permit to the Arizona Department of Liquor Licenses & Control

SUMMARY:

La Bodega Kitchen and Bar has submitted an Application for Extension of Premises/Patio Permit. At this time, due to the circumstances of the pandemic, the Arizona Department of Liquor Licenses and Control are approving temporary extensions for up to 6 months.

RECOMMENDATION / SUGGESTED MOTION:

A. I MOVE TO OPEN PUBLIC HEARING.

- 1. Staff and/or applicant presentation
- 2. Call to the public on this item

B. I MOVE TO CLOSE PUBLIC HEARING.

C. I MOVE TO RECOMMEND APPROVAL TO THE ARIZONA DEPARTMENT OF LIQUOR LICENSES AND CONTROL THE APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT OF LA BODEGA, L.L.C., AS PRESENTED.

Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	Yes
CITY/STATE/FEDERAL FUNDS:	N/A
TOTAL:	N/A
BUDGETED AMOUNT:	N/A
AVAILABLE AMOUNT TO TRANSFER:	N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE:	N/A

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

The City will receive 25% of the proceeds.

Attachments

Application for Extension of Premises Patio Permit

Email



Arizona Department of Liquor Licenses and Control
 800 W Washington 5th Floor
 Phoenix, AZ 85007-2934
 www.azliquor.gov
 (602) 542-5141

DLLC USE ONLY

CSR:
Log #:

APPLICATION FOR EXTENSION OF PREMISES/PATIO PERMIT

OBTAIN APPROVAL FROM LOCAL GOVERNING BOARD BEFORE SUBMITTING TO THE DEPARTMENT OF LIQUOR
****Notice: Allow 30-45 days to process permanent change of premises****

Permanent change of area of service. **A non-refundable \$50. Fee will apply.** Specific purpose for change:

Temporary change (**No Fee**) for date(s) of: 11 / 25 / 2020 through 05 / 25 / 2021 list specific purpose for change:

Expand Dining Capacity due to pandemic

1. Licensee's Name: Walshe Ruben Alberto License #: 12143217
Last First Middle

2. Mailing address: P.O. Box 1523 San Luis AZ 85349
Street City State Zip Code

3. Business Name: La Bodega LLC

4. Business Address: 1950 Juan Sanchez Blvd San Luis AZ 85349
Street City State Zip Code

5. Email Address: LabodegasL2016@gmail.com

6. Business Phone Number: (928)550-5003 Contact Phone Number: (928)261-0032

7. Is extension of premises/patio complete? Yes
 If no, what is your estimated completion date? ___/___/___

8. Do you understand Arizona Liquor Laws and Regulations?

Yes No

9. Does this extension bring your premises within 300 feet of a church or school?

Yes No

10. Have you received approved Liquor Law Training?

Yes No

11. What security precautions will be taken to prevent liquor violations in the extended area? Dining area

will be properly fenced and signage will be posted for customers to see.

12. **IMPORTANT:** Attach the revised floor plan, clearly depicting your licensed premises along with the new extended area outlined in black marker or ink, **if the extended area is not outlined and marked "extension" we cannot accept the application.**

Barrier Exemption: an exception to the requirement of barriers surrounding a patio/outdoor serving area may be requested. Barrier exemptions are granted based on public safety, pedestrian traffic, and other factors unique to a licensed premises. List specific reasons for exemption:

Approval Disapproval by DLLC: _____ Date: ___/___/___

I, (Print Full Name) Ruben A. Walshe hereby swear under penalty of perjury and in compliance with A.R.S. § 4-210(A)(2) and (3) that I have read and understand the foregoing and verify that the information and statements that I have made herein are true and correct to the best of my knowledge.

Applicant Signature: 

GOVERNING BOARD

After completion, and **BEFORE submitting to the Department of Liquor**, please take this application to your local Board of Supervisors, City Council or Designate for their recommendation. This recommendation is not binding on the Department of Liquor.

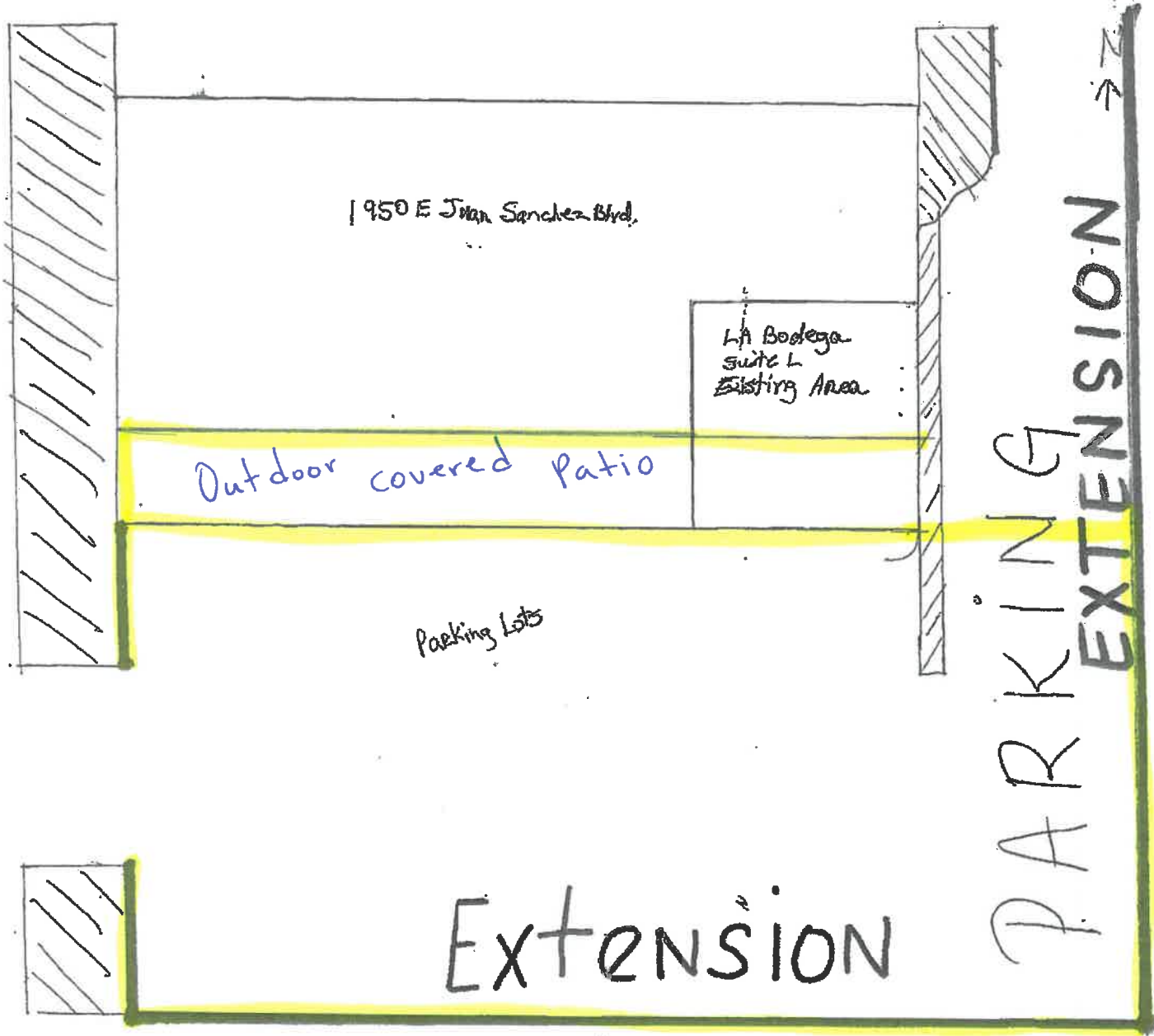
Approval Disapproval

Authorized Signature Title Agency Date

DLLC USE ONLY

Investigation Recommendation: Approval Disapproval by: _____ Date: ___/___/___

Director Signature required for Disapprovals: _____ Date: ___/___/___



1950 E Juan Sanchez Blvd.

LA Bodega
suite L
Existing Area

Outdoor covered patio

Parking Lots

Extension

PARKING
EXTENSION →

Melissa Lopez

From: mercedes otero <labodegasl2016@gmail.com>
Sent: Thursday, November 19, 2020 4:49 PM
To: Melissa Lopez
Subject: [EXTERNAL] Fwd:
Attachments: We sent you safe versions of your files; inv_extprem_access.pdf

Mimecast Attachment Protection has deemed this file to be safe, but always exercise caution when opening files.

----- Forwarded message -----

From: Maryanna Mckinney <annie.mckinney@azliquor.gov>
Date: Thu, Nov 19, 2020 at 9:44 AM
Subject:
To: <labodegasl2016@gmail.com>

Good Morning,

To extend your premises you will need to fill out the attached extension form and have it approved and signed by your Local Governing Body, (City, County, etc), then submit it to the Dept. of Liquor. Temporary extensions are free of charge, permanent extensions require a \$50. fee.

At this time, due to the circumstances of the pandemic, we are approving temporary extensions for up to 6 months.

Thank you,

Annie McKinney

Records Supervisor

602-542-9036

State of Arizona Dept. of

Liquor Licenses and Control



--

La Bodega kitchen and Bar
1950 e Juan Sanchez blvd
San Luis AZ 85349
928-550-5003



AGENDA ITEM REVIEW FORM

Special City Council Meeting

7. A.

Meeting Date: 11/24/2020

Department Head: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

Submitted By: Jose A. Guzman, Director of Planning & Zoning, Planning & Zoning Department

Action Requested: Board of Adjustment
Motion
Public Hearing

ITEM:

Public Hearing followed by discussion and possible action on any and all matters regarding Variance Case No. 2020-0618. A request by Sign Masters of Yuma, LLC, on behalf of Regional Center for Border Health, to reduce the setback on a sign from 12 feet to 3 feet for San Luis Medical Mall located at 151 S. Oak Avenue, San Luis, Arizona. **(Jose A. Guzman, Director of Planning and Zoning)**

- A. Open public hearing
 - 1. Presentation by staff and/or applicant
 - 2. Call to the Public on this item
- B. Close public hearing
- C. Action on Variance No. 2020-0618

SUMMARY:

This is a request by Sign Masters of Yuma, LLC, on behalf of Regional Center for Border Health, owner, for a variance as per Section §152.258 (E) to reduce the setback for a pylon sign from 12 feet to 3 feet for the San Luis Medical Mall. The property is zoned Community Commercial (C-2) and is located at 151 S. Oak Avenue, PID #227-15-006, San Luis, Arizona.

AGENCY REVIEW:

As part of the review process, all land use cases are reviewed by various city and outside agencies. We have received comments from the following agencies:

- 1. City of San Luis Fire Department (10-22-20)
- 2. City of San Luis City Attorney (10-23-20)

As required by state statute, staff sent notification letters to property owners within 300 feet of the proposed project (5 letters). The city has not received any other significant concerns or objections from the various review agencies or adjacent property owners.

CRITERIA FOR APPROVAL:

All requests for a Variance from the City of San Luis Zoning Ordinance must meet the criteria for a Variance as set forth in the City of San Luis Zoning Ordinance. A variance is not a right. It may be granted to an applicant only if the applicant establishes compliance with all of the hardship criteria established in A.R.S. §9-462.06 and in § 152.045 of the City Code. In all cases, the application shall address all of the following hardship criteria:

- 1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.
3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this zoning district.
4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

The Arizona Revised Statutes (§9-462.06. Board of adjustment) further state that the Board may not:

1. Make any changes in the uses permitted in any zoning classification or zoning district.
2. Grant a variance if the special circumstances applicable to the property are self-imposed by the property owner.

ANALYSIS:

Staff has reviewed this request and has determined that the request substantially meets the criteria for granting a Variance from the Zoning Ordinance.

1. There exist special circumstances or conditions regarding the land or building referred to in the application, which do not apply to other properties in the zoning district.

The location of the property and the existing visibility triangle creates the special circumstance for this property.

2. The above special circumstances or conditions are preexisting and are not created or self-imposed by the owner or applicant.

The specific configuration and visibility triangle were created at the time of the subdivision approval and not self-imposed by the owner.

3. The variance is necessary for the preservation of substantial property rights. Without a variance the property cannot be used for purposes otherwise allowed in this zoning district.

The visibility triangle is designed to protect view and traffic flows allowing for the sign to be placed in a safe location with high visibility. Since this project is for a medical mall the location in the sign is necessary to make it easier for residents to locate the medical facilities from any direction.

4. The authorizing of the variance will not be materially detrimental to persons residing or working in the vicinity, to adjacent property, or to the neighborhood or the public welfare.

The approval of the variance would not be materially detrimental to the surrounding area or property owners.

The applicant has provided the information and materials necessary for review of the variance request. Staff recommends approval of Variance Case No. 2020-0618.

RECOMMENDATION / SUGGESTED MOTION:

I MOVE TO FIND THE APPLICATION MEETS THE VARIANCE CRITERIA AND TO APPROVE VARIANCE AS PRESENTED.

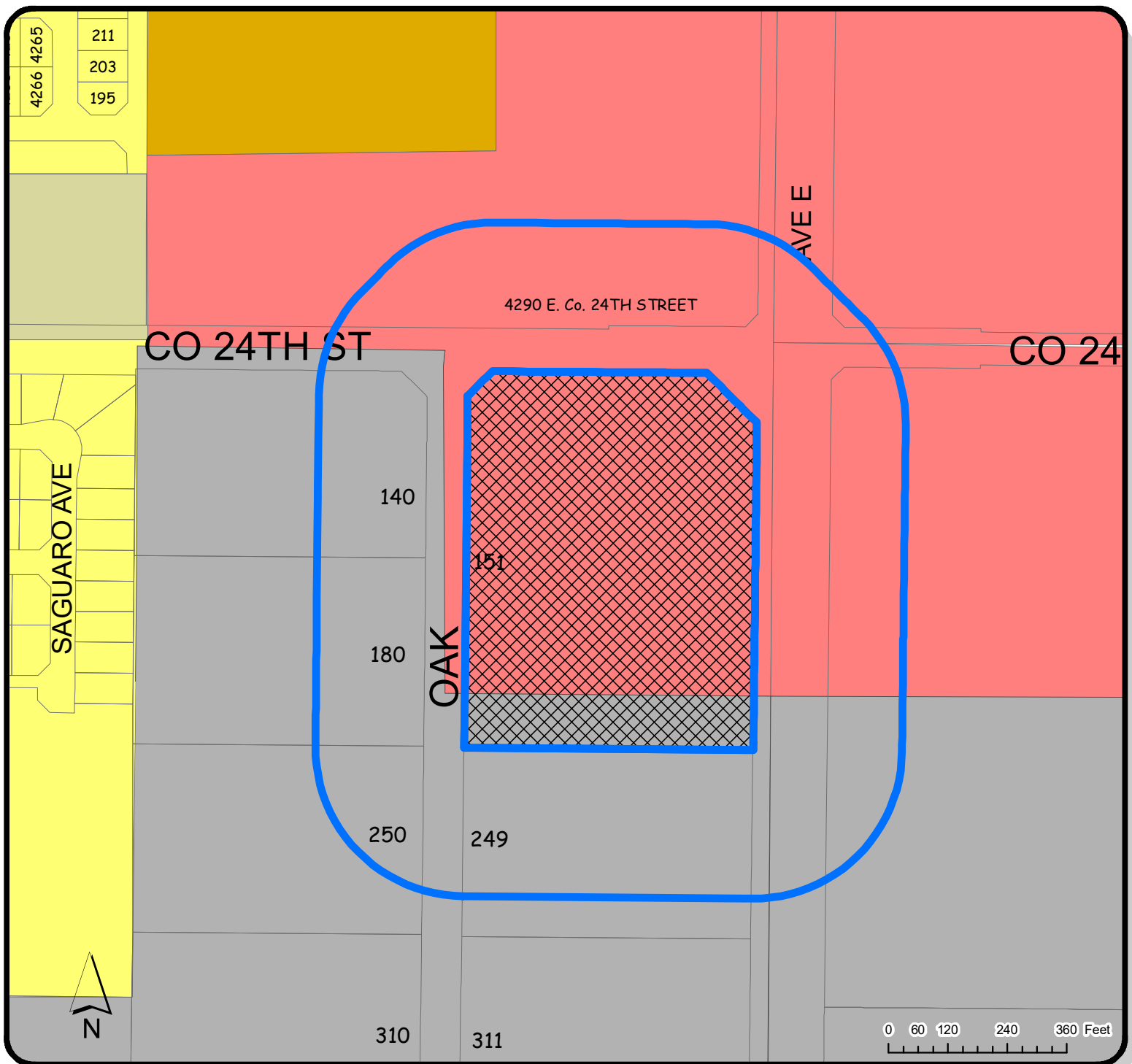
Fiscal Impact

IS THERE FISCAL IMPACT ASSOCIATED WITH THIS ITEM:	N/A
CITY/STATE/FEDERAL FUNDS:	N/A
TOTAL:	N/A

BUDGETED AMOUNT: N/A
AVAILABLE AMOUNT TO TRANSFER: N/A
ACCT NAME & GL#/REMAINING BALANCE BEFORE PURCHASE: N/A
FISCAL IMPACT STATEMENT (IF THIS IS A BUDGET TRANSFER, YOU MUST ATTACH THE BUDGET ADJUSTMENT FORM):
N/A

Attachments

Location Map
Aerial Picture
Site Plan
City of San Luis Fire Department Comments (10-22-20)
City of San Luis Attorney's Office Comments (6-17-20)



LOCATION MAP

VARIANCE

LOCATION OF SUBJECT PROPERTY

 151 S OAK AVE PARCEL:22715006

- Legend
- COMMERCIAL ZONING DISTRICTS
 - C-2
 - INDUSTRIAL ZONING DISTRICTS
 - U
 - SINGLE RESIDENCE ZONING DISTRICTS
 - R1-6

CASE #
2020-0618

DATE:
10/21/2020

PLANNING & ZONING

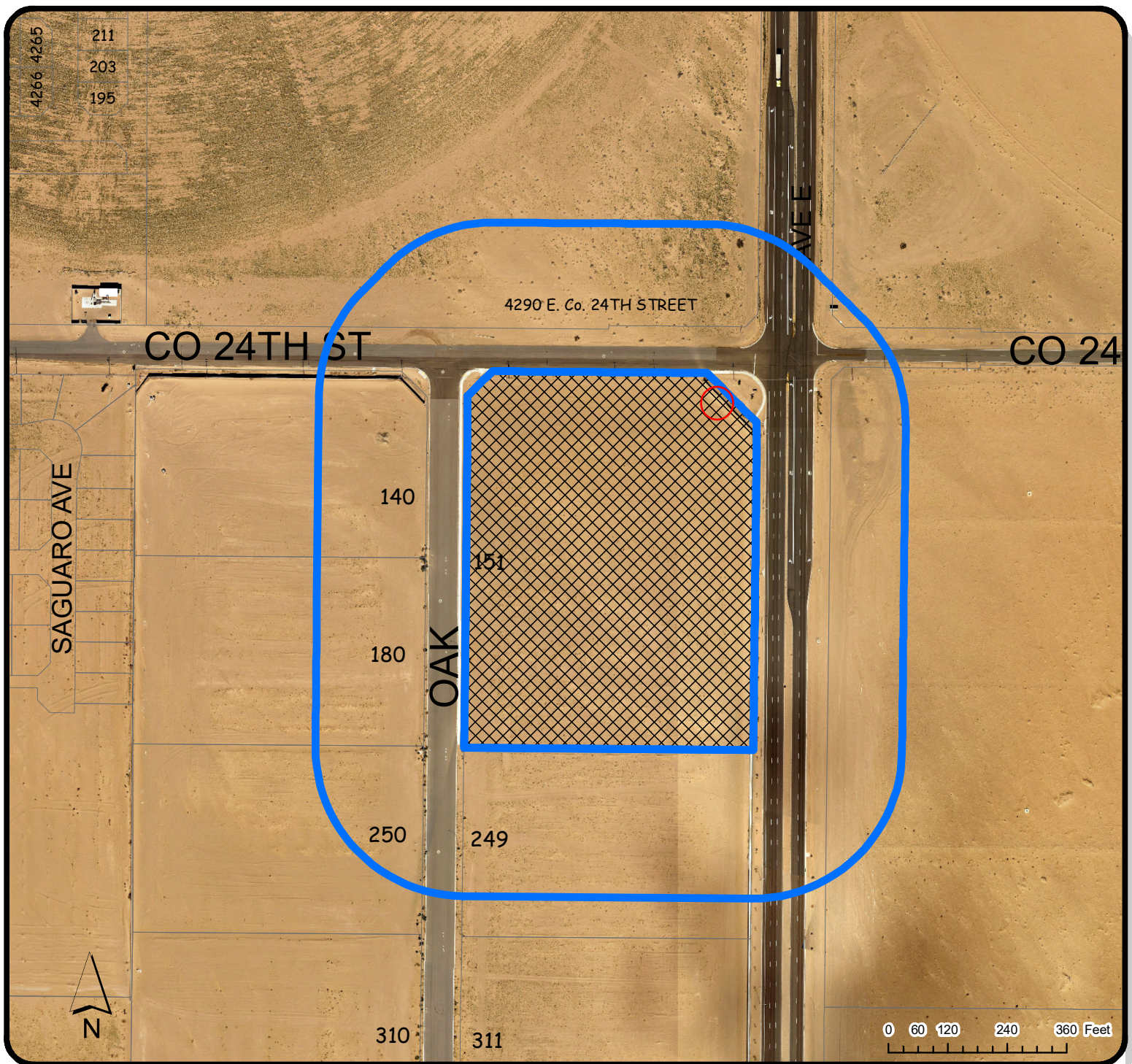


GIS

CREATED BY:
ISAAC GUTIERREZ

CHECKED BY:
ROMAN PACHECO

APPROVED BY:
JOSE A. GUZMAN



LOCATION MAP

VARIANCE

LOCATION OF SUBJECT PROPERTY

 151 S OAK AVE PARCEL:22715006

- Legend
- COMMERCIAL ZONING DISTRICTS
 - C-2
 - INDUSTRIAL ZONING DISTRICTS
 - U
 - SINGLE RESIDENCE ZONING DISTRICTS
 - R1-6

CASE #
2020-0618

DATE:
10/21/2020

PLANNING & ZONING



GIS

CREATED BY:
ISAAC GUTIERREZ

CHECKED BY:
ROMAN PACHECO

APPROVED BY:
JOSE A. GUZMAN

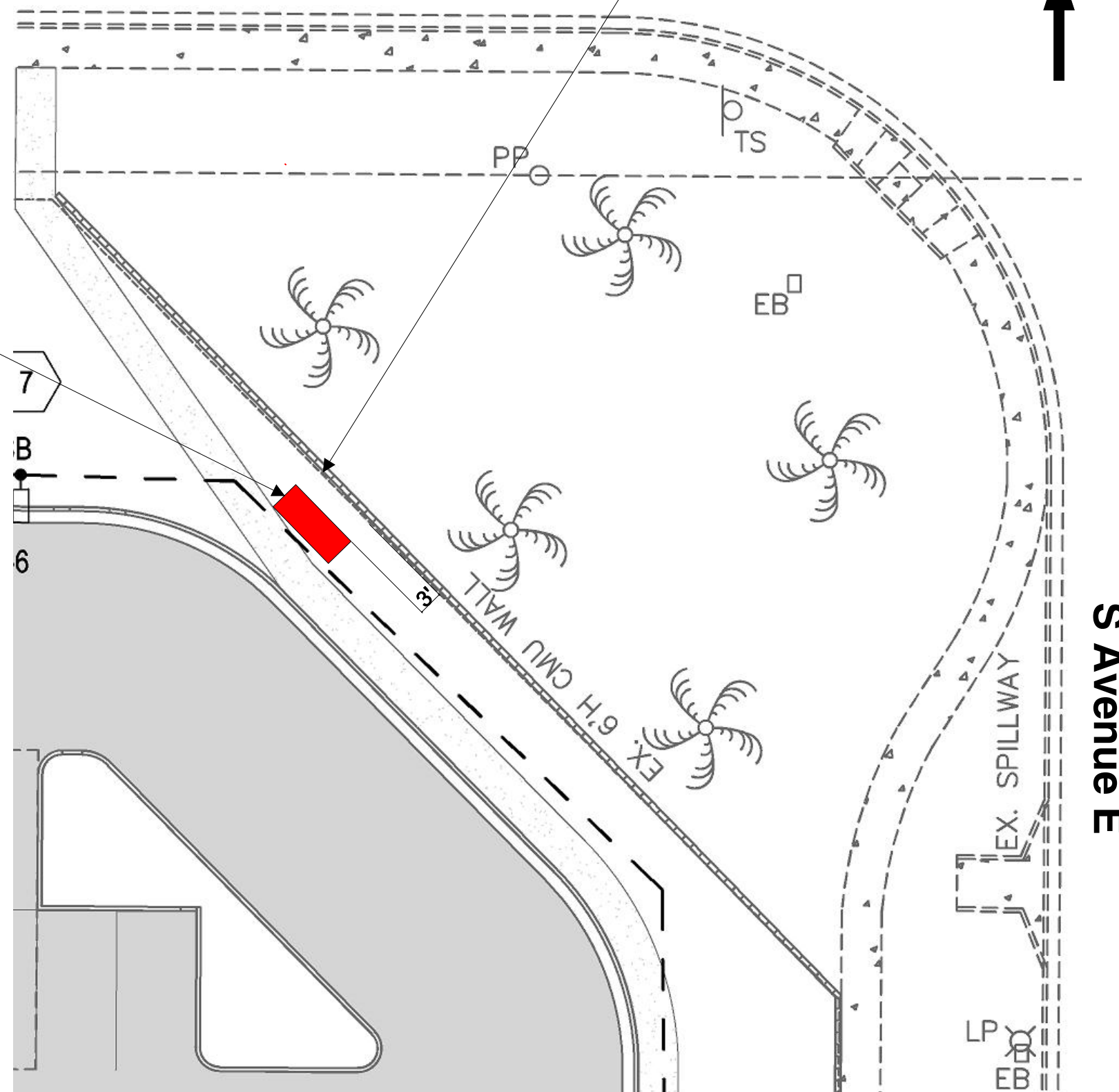
Sign Location Close-up

County 24th St

Property Line



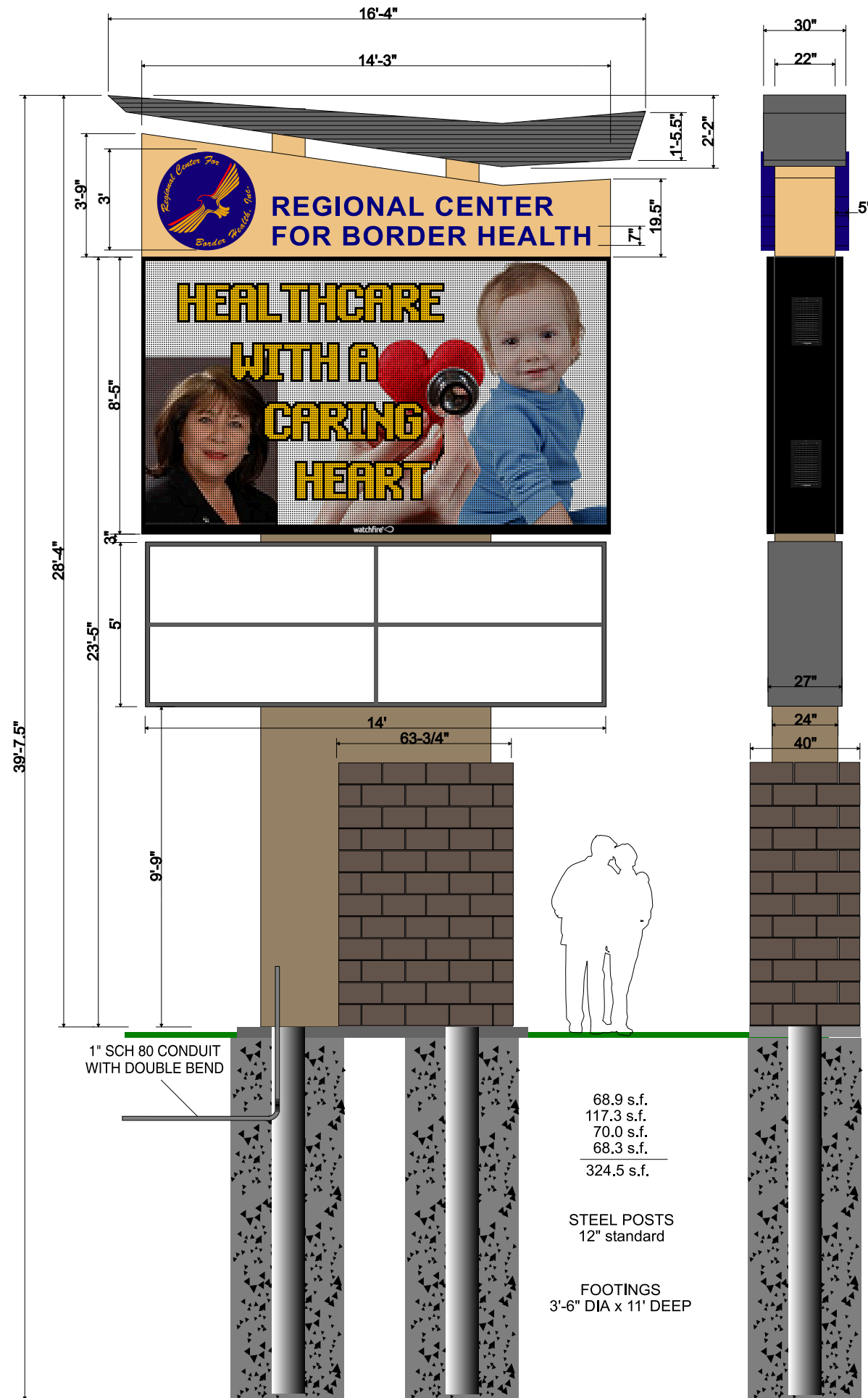
**Sign Location
Approximately 4' x 10'
cement pad for sign
structure.**



S Avenue E

Name:
San Luis Medical Mall
(Regional Center for Border Health)
Address:
151 @. Oak Ave.
San Luis, AZ 85349

PYLON SIGN DESIGN



Name:
San Luis Medical Mall
(Regional Center for Border Health)
Address:
151 @. Oak Ave.
San Luis, AZ 85349



October 22, 2020

VARIANCE CASE NUMBER: 2020-0618

CASE SUMMARY: A request by Sign Masters of Yuma, LLC, on behalf of Regional Center for Border Health, owner, for a variance as per Section §152.258 (E) to reduce the setback for a pylon sign from 12 feet to 3 feet for the San Luis Medical Mall. The property is zoned Community Commercial (C-2) and is located at 151 S. Oak Avenue, PID #227-15-006, San Luis, Arizona.

PUBLIC HEARING: November 24, 2020

COMMENTS DUE: November 2, 2020

Your comments on this case will help us prepare an accurate and timely staff report. Your comments on this case will be inserted “as is” into the staff report with your name, department, and telephone number, should the applicant have any questions. Your comments are a public record and will be available to the public, media, and the applicant, in addition to the Board of Adjustment hearing this case. Please complete the section below and return via e-mail. For additional information, please contact the Planning and Zoning Department at (928) 341-8563 or at P&Z@sanluisaz.gov.

Thank you,

Jose A. Guzman
Director of Planning & Zoning
Attachment: Location Map & Site Plan

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 COMMENTS NO COMMENTS

Enter Comments below:

The City of San Luis Fire Department have no comments at this time. Final decisions regarding this request are best made by the Planning and Zoning Department.

Date:

10/22/20

Agency:

The City of San Luis Fire Department

Phone:

928/341-8550

Return to: P&Z@sanluisaz.gov



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 COMMENTS NO COMMENTS

Enter Comments below:

The application looks proper due to unique property configuration. The triangle at 24th and E is a sight triangle designed to protect view and traffic flows. The exterior fence means the sign portion must be above that further making sure the sign does not interfere in traffic line of sight. It is placed such that interior parking lot traffic flows are unaffected as well and the request is due to unique configuration of the parcel.

Date:

October 23, 2020

Agency:

Glenn Gimbut, Assistant City Attorney

Phone:

Ext 2057

Return to: P&Z@sanluisaz.gov