

# **TOWN COUNCIL RULES AND PROCEDURES**

## **TOWN OF PARADISE VALLEY, ARIZONA**

### **SECTION I - RULES OF PROCEDURE**

The Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping minutes of its proceedings. These minutes shall be a public record.

### **SECTION II - MEETINGS**

The Council shall meet regularly twice each month, except for July and August. Meetings will be held on the second and fourth Thursday of each month, except for the months of November and December when meetings will be held on the first and third Thursdays. The meeting notice will list the start time, place, and agenda. The meeting may include the following: work session discussion items, executive sessions; public hearings, action items and other Town Council business. The agenda will be sent to the press, posted in a public place, and posted on the Town's internet website at least twenty-four hours in advance of the meeting. Special meetings may be held on the call of the Mayor or of four or more Council Members. All meetings shall be open to the public. Executive sessions may be held for the purposes allowed by law and shall not be open to the public. In the case of an emergency, notice will be given as early as is reasonable under the circumstances.

### **SECTION III - AGENDA**

All reports, communications, ordinances, resolutions, contract documents, and other matters to be submitted to the Council shall be delivered to the Town Manager on Tuesday of the week prior to the Council meeting at which they are to be submitted. The Town Manager and the Mayor shall list the matters according to the order of business and furnish each Member of the Council, the Town Attorney, and department heads with a copy of the agenda prior to the Council meeting, as early as possible. The Town Manager or Mayor may place an item on the Council agenda or any Member of the Town Council may request that an item be placed on a future Council agenda pursuant to the provisions specified in Section VIII(b)(13).

### **SECTION IV - PRESIDING OFFICER - DUTIES**

The Mayor shall be the presiding officer of the Council. The presiding officer shall preserve strict order and decorum at all regular and special meetings of the Council. He/she shall state every question coming before the Council, announce the decision of the Council on all subjects and decide all questions of order. Any decision or ruling of the Mayor may be appealed to the Council as a whole by request of any Member. The Mayor shall call for roll call to see if the chair shall be upheld; if the roll call loses, the Mayor is reversed.

## **SECTION V - CALL TO ORDER - PRESIDING OFFICER**

The Mayor, or in his absence, the Vice-Mayor shall call the Council to order at the scheduled meeting time. In the absence of the Mayor or Vice Mayor, the Town Clerk shall call the Council to order. A temporary chairman then shall be elected by the Members of the Council present. When the Mayor or Vice Mayor arrives, the temporary chairman shall relinquish the chair when the business immediately before the Council is finished.

## **SECTION VI - ROLL CALL**

Before proceeding with the business of the Council, the Town Clerk shall call the roll of the Members, and the names of those present shall be entered in the minutes.

## **SECTION VII - QUORUM**

A quorum shall consist of a majority of the Members of Council; however, no action of the Council shall be valid or binding unless adopted by a majority of the quorum. If one or more Members of the Council are unable to be present in person at a public meeting, they may participate electronically by telephonic or video communication. However, in no event shall more than three (3) Council Members attend a public meeting electronically. Council Members shall notify the Town Clerk at least 4 hours prior to the meeting of their intent to attend electronically. The meeting agenda and minutes shall state that one or more Council Members will participate by telephonic or video communication.

## **SECTION VIII - ORDER OF BUSINESS; SUBSTANCE OF EACH BUSINESS ITEM**

a) ORDER OF BUSINESS. The order of business at all regular meetings shall ordinarily be as follows; provided, however, the Council may, by majority vote, consider items out of sequence from the printed agenda order.

- 1) Call to Order/Roll Call
- 2) Study Session Items
- 3) Executive Session
- 4) Break
- 5) Reconvene
- 6) Roll Call
- 7) Pledge of Allegiance
- 8) Presentations
- 9) Call to the Public
- 10) Consent Agenda
- 11) Public Hearings
- 12) Action Items
- 13) Requests for Future Agenda Items
- 14) Comments from Mayor, Manager, and Council Members
- 15) Adjournment (and announcement of next scheduled meeting)

b) **SUBSTANCE OF EACH BUSINESS ITEM.** Each matter on the Order of Business shall be conducted in the manner and for the purposes noted.

- 1) Call to Order/Roll Call – The Mayor shall announce that the Council Meeting is called to order. The Town Clerk shall call the names of each sitting Council Member and note their attendance in the minutes.
- 2) Study Session Items – Matters listed as study session items are matters where the intent is to inform the Town Council about issues which are facing the Town for which formal action may be required in the future. Formal action cannot be taken during the study session. However, the Town Council can direct staff to prepare an item for consideration at a future Town Council meeting. New ordinances, new special use permits, new statements of direction, and preliminary plats shall be reviewed as a study session item prior to consideration for adoption. A motion to suspend the rules is required to consider any ordinance, new special use permit, new statement of direction, or preliminary plat which has not been discussed in study session at least one meeting in advance of its adoption.
- 3) Executive Session – A closed session of the Council to be held only for those limited purposes allowed to be discussed in closed session pursuant to state statutes.
- 4) Break – a short recess during which the Council typically moves from a smaller study session room to the larger Council Chamber.
- 5) Reconvene – The Mayor calls the Council to order in the Council Chamber.
- 6) Roll Call – The Town Clerk shall call the names of each sitting Council Member and note attendance for the main business meeting.
- 7) Pledge of Allegiance – The Mayor shall ask all the Council and audience to rise for the pledge of allegiance and shall lead or ask a Member of the Council or audience to lead the pledge of allegiance.
- 8) Presentations – The Mayor, or an appropriate designated Council Member or staff Member, shall make public presentations of awards or recognition of people, as appropriate and as designated in the agenda for the meeting.
- 9) Call to the Public – An opportunity for residents to address the Council on matters not on the agenda. The Council may not discuss or take action on any matters raised, but may respond to criticism, ask staff to review the matter, or ask that it be placed on a future agenda.
- 10) Consent Agenda - The consent agenda matters are routine and may be adopted by one motion. There will be no discussion of separate items, unless Members of the Town Council, staff, or the public request that a specific item be discussed or removed from the consent agenda for individual consideration. No ordinance or expenditure authorization request in excess of \$250,000 shall be placed on the consent agenda. Resolutions or expenditure requests for a lesser amount may be placed on either the consent agenda or as action items. Plats, whether preliminary or final, and lots splits may be placed on the consent agenda, provided that the plat or lot split recommendation from the Planning Commission was unanimous, the Town staff supports the approval, and there is no known neighbor or other objection to the approval.

- 11) Public Hearings – Public Hearings shall be held for all business matters where state statutes require a public hearing prior to action, such as annexations, rezonings of property, wastewater rate increases, and other such matters. Specific procedures for public hearings shall comply with the provisions of Section XV.
- 12) Action Items - Action items shall include action on any subject requiring a public hearing, expenditure requests of \$250,000 or more, ordinances, and any items the Mayor chooses to have considered as action items instead of consent agenda items.
- 13) Requests for Future Agenda Items - Requests for future agenda items are topics or issues of interest that at least three Council Members would like to have considered for discussion at a future meeting. Any member of the Council may move to have the Town Manager add a new agenda item to a future agenda. Upon the concurrence of two more Members, which may include the Mayor, the item shall be added to the pre-business meeting study session no later than two meetings from the meeting in which the agenda item was requested and confirmed by at least three total Members of Council. In the event that the Town Manager determines such a future agenda item request should be moved to a later date due to the need for the Council to address more critical agenda items, the Town Manager needs the approval of the three Council Members who requested the item in order to move the item to a later Council meeting date, but only to the next scheduled Council Meeting date. Discussion on the added future agenda item shall not exceed 60 minutes during the study session. Any discussion on the motion to add a future agenda item shall be limited to the propriety of placing such item on a future agenda and not on the merits of such agenda item. Staff support associated with a newly requested item by three Members of Council shall be limited to two hours for the initial agenda topic. Provided four or more Members wish to continue work on the agenda topic beyond the first study session, all appropriate staff may be dedicated to the topic as determined by the Town Manager. Although requests are to be formally made at a Council Meeting to add a new agenda item to a future agenda, nothing bars a Member of Council from making a request outside of a Council Meeting to the Mayor or Town Manager that they would like to see an item added to a future agenda.
- 14) Comments from the Mayor, Manager and Council Members – A short time period where the Mayor, Manager and Council Members may present a brief summary of current events. The Town Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is otherwise separately and properly noticed for legal action.
- 15) Adjournment – A motion, second and a vote is required before adjournment. If the Town Council desires to adjourn at a later time, the Council must pass a motion specifying the date and time to which the regular meeting is being adjourned. A motion to adjourn shall always be in order except during roll call. When a motion is made and seconded to adjourn, any Member of the Council may state why it is improper for the Council to adjourn. That statement,

however, shall not be debatable and shall not take more than two minutes.

## **SECTION IX - PROCEDURES FOR DEBATE ON ACTION ITEMS**

On those issues requiring debate, the presiding officer shall state the issue before the Council. Staff shall report on the issue and respond to Council questions, following which interested Members of the community shall also have an opportunity to express their positions on the issue before the Council. Section XI covers the proper method of addressing the Council. Council may limit the amount of time allotted for discussion.

A motion and second on the issue will be in order at any time during Council discussion. Discussion may continue after the motion is made for such period of time as is authorized elsewhere in these rules.

## **SECTION X - RULES OF DEBATE**

- a) **PRESIDING OFFICER MAY DEBATE AND VOTE, ETC.** The Mayor or Member of the Council that is presiding may move, second and debate from the chair, subject only to such limitations of debate as are imposed on all Members. The presiding officer shall not be deprived of any of the rights and privileges of a Council Member.
- b) **GETTING THE FLOOR - IMPROPER REFERENCES TO BE AVOIDED.** Every Member desiring to speak shall address the chair, and upon recognition by the presiding officer, the Members shall be germane to the topic and shall avoid personal attacks and indecorous language.
- c) **INTERRUPTIONS.** A Member, once recognized, shall not be interrupted when speaking unless it is to call the Member to order. If a Member, while speaking, is called to order, he shall cease speaking until the question of order is determined, and, if in order, the Member shall be permitted to proceed.
- d) **PERSONAL PRIVILEGE.** The right of a Council Member to address the Council on a question of personal privilege shall be limited to cases in which his integrity, character or motives are questioned, or where the welfare of the Council is concerned. A Council Member may interrupt another speaker if the Mayor recognizes the privilege.
- e) **PRIVILEGE OF CLOSING DEBATE:** The Council Member moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

## **SECTION XI - ADDRESSING THE COUNCIL**

Any person wishing to address the Council shall first secure permission of the presiding officer to do so. The Council may limit the length of time that a person is permitted to address the Council.

- a) **WRITTEN COMMUNICATIONS.** Interested parties or their authorized representatives may address the Council by written communications in regard to matters under discussion.
- b) **ORAL COMMUNICATIONS.** During the proper time on the agenda, taxpayers or residents of the Town, or their authorized representatives, may address the Council on any matter concerning the Town's business, or any matter over which the Council has control. Oral presentations shall not be repetitious and shall be confined to three minutes maximum duration.
- c) **AFTER MOTION MADE.** No person shall address the Council after a motion is made without first securing the permission of the Council to do so.

## **SECTION XII - DECORUM**

- a) **BY COUNCIL MEMBERS.** While the Council is in session, the Members must preserve order and decorum. A Member shall neither by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any Member while speaking or refuse to obey the orders of the Council or its presiding officer, except as otherwise herein provided.
- b) **BY PERSONS.** Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the Council, or who interferes with the order of business before the Council, and who fails, upon request of the presiding officer to cease such activity, shall be barred from further audience before the Council, unless permission to continue is granted by a majority vote of the Council.

## **SECTION XIII - ENFORCEMENT OF DECORUM**

The Mayor shall appoint a sergeant-at-arms at the Council meetings. He, or they, shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the Council meeting. Upon instructions of the presiding officer, it shall be the duty of the sergeant-at-arms, to remove any person who violates the order and decorum of the meeting.

## **SECTION XIV - VOTING**

- a) **VOICE VOTE AND/OR ROLL CALL.** All votes shall be recorded in the minutes and shall be by voice vote (ayes and nays) or, if requested by the Mayor or any Council Member, or as otherwise required by these Rules, by roll call. Voting by proxy shall not be permitted.
- b) **PRECEDENCE OF MOTIONS.** When a motion is before the Council, no motion shall be entertained except:
  - 1) to amend

- 2) to adjourn
- 3) to fix hour of adjournment
- 4) to lay on the table
- 5) for the previous question
- 6) to postpone to a certain day
- 7) to refer
- 8) to postpone indefinitely
- 9) divide the question

These motions shall have precedence in the order indicated.

- c) **AMENDMENTS.** No more than one amendment to an amendment is permitted.
- d) **MOTION TO TABLE.** The purpose of this motion is to temporarily by-pass the subject. A motion to lay on the table is undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter may be taken off from the table at any time prior to the end of the next regular meeting.
- e) **MOTION FOR PREVIOUS QUESTION.** The purpose of this motion is to close debate on the main motion. It is undebatable, and no further discussion shall be permitted until the motion is acted upon. If the motion fails, debate is reopened; if motion passes, then the Council shall vote on the main motion.
- f) **DIVISION OF QUESTION.** If the question contains two or more divisible propositions, the Mayor may, or upon successful motion of the Council, shall divide the same.
- g) **WITHDRAWAL OF MOTION.** When a motion is made and seconded, it shall be so stated by the Chair. A motion may not be withdrawn by the mover without the consent of the Member seconding it.
- h) **CONFLICT OF INTEREST.** Council Members shall abide by the provisions of A.R.S. Chapter 38, Article 3. When a Council Member determines he or she has a conflict of interest, he or she shall announce such conflict and refrain from discussing or voting upon the matter.
- i) **COUNCIL MEMBER REQUIRED TO VOTE.** Council Members are required to vote on all issues placed before them. A failure to vote or a voluntary abstention shall be counted an "aye" vote unless excused by State Conflict of Interest Laws.
- j) **RECORDING VOTES; TIE VOTES.** The minutes of the proceedings of the Council shall record individual's votes on all ordinances, resolutions, and franchises. In the case of a tie in votes on any motion, the motion shall be considered lost.
- k) **MOTION TO RECONSIDER.** A motion to reconsider any action taken by the Council may be made only on the day the action was taken or at the next regular meeting of the Council. It may be made during the same session or at a recessed or adjourned session.

A motion to reconsider must be made by one of the prevailing side, but may be seconded by any Member. A question failing by virtue of a tie vote may be reconsidered by motion of any Member of the Council. The motion may be made at any time. It shall be debatable. Nothing herein shall be construed to prevent any Member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

## **SECTION XV - PROCEDURE FOR DEBATE DURING PUBLIC HEARING**

The following shall be the procedure during public hearings:

- 1) Mayor shall read the title of the action item.
- 2) Staff report, if any, by the appropriate staff members and relevant questions by Council Members.
- 3) Statement by the Applicant explaining and advocating the item (maximum of fifteen (15) minutes).
- 4) Testimony by members of the public who support the item.
- 5) Testimony by members of the public who oppose the item.
- 6) Written Communications filed with the Town regarding the item.
- 7) At Council's discretion, a brief closing statement by the Applicant).
- 8) Discussion by Council Members. The order of recognition of Council Members desiring to speak other than the Council Member who authored the item shall be determined by the chairman.
- 9) Motion and second.
- 10) Motion to amend (if any).
- 11) Vote.

## **SECTION XVI – ORDINANCE: EMERGENCY CLAUSES**

Ordinances shall be prepared as provided for in Article 1-2 of the Town Code. An emergency clause shall not be utilized for any routine matter such as establishment of fines or penalties, the authorization for contracts, rezoning of property, creation of taxes, lease of Town land, amendment of the Town Code, or the levy of assessments unless harm to the public can be expected from a delay of action.

## **SECTION XVII - SPECIAL COMMITTEES**

When the Council determines that a board, commission or committee is needed the following procedure shall be used:

- a) The party proposing the creation of the board, commission or committee will prepare a resolution defining the purpose, duties and objectives of the committee and whether it is to be an ad hoc or continuing committee.
- b) That resolution will be submitted to the Mayor or Town Manager for placement on an agenda for Council discussion.



- c) The Council shall approve, modify, or reject the resolution.
- d) Once a board, commission, or committee is approved the Mayor shall prepare nominations for members including their length of terms (not to exceed three years).
- e) The Mayor's nominations shall be submitted to the Council at least seven days prior to the meeting at which nominations will be confirmed.
- f) Council Members may suggest alternate nominations during the meeting. Each Member shall be approved by a majority of the Council.

#### **SECTION XVIII - USE OF STAFF**

No Council Member shall request from the Town Manager any staff project that entails over two hours of staff work without seeking approval of the full Town Council. This rule pertains only to an individual research request by an individual Council person.

#### **SECTION XIX - ENFORCEMENT SUSPENSION, AND AMENDMENT OF RULES**

Enforcement of these rules shall be incumbent upon the Town Council of Paradise Valley. These rules may be suspended or amended by a majority vote of the Town Council.

#### **SECTION XX - RULES OF ORDER**

The rules of parliamentary practice, comprised in the most recent edition of Roberts Rules of Order, shall govern the Council in all cases to which they are applicable, provided they are not in conflict with these Rules or with the Town Code of the Town of Paradise Valley.