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CITY OF PRESCOTT

Advisory Group/Board/ Commission/Committee Members' Handbook

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ADVISORY GROUP/BOARD/COMMISSION/ COMMITTEE MEMBERS' HANDBOOK

PREFACE

This Advisory Group/Board/Commission/Committee (AGBCC) Members' Handbook provides guidelines for City AGBCC members. This information is designed to closely follow the rules and regulations that apply to the City Council and to simulate their roles and responsibilities in order to create a uniform public process for the City of Prescott's public bodies. Most of the information contained in the manual will apply to your advisory group, board, commission or committee; however, your AGBCC may have additional special provisions that are specific to its function. If you are unsure whether or not a specific rule applies to your AGBCC, or, if you have further questions concerning any aspect of your duties and responsibilities, you should ask your staff liaison for clarification. You may also contact the City Clerk's Office or the Councilmember representative to your AGBCC.

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INTRODUCTION

Welcome to the official City of Prescott family and the challenging and rewarding arena of public service! The Prescott City Council and staff thank you for your active participation in the governing process of our community.

The Advisory Group/Board/Commission/Committee (AGBCC) process is essential to the successful function of City government; and your contributions are invaluable. As a City AGBCC member, your role is to help shape the future of the City of Prescott. You will be studying and recommending policy direction on a variety of issues vital to the City's future. This handbook has been developed to help you meet the challenges you will face along the way.

It takes a substantial commitment of time and hard work to be a good AGBCC member. Your decisions and recommendations can have a direct impact on the quality and level of services the City offers to its citizens, so it is important to keep in mind the needs of all citizens during the decision making process. You will read and study materials in advance of meetings. You will be required to listen to hours of discussion and testimony at public meetings. Often you will be asked to make difficult recommendations. You may even be asked to make recommendations that may have dramatic effects on your friends and neighbors. In your role as an AGBCC member, you are asked to no longer consider solely your own perspective or that of your own peer group, but to consider the perspectives of all the communities who have a stake in any particular issue. Your role is to support the democratic process by considering the broadest set of perspectives on issues.

Your deliberations help the City Council to do its job. Sometimes Council decisions will directly incorporate your recommendations into their decisions, while other times your input will be one of many factors to be weighed by the Council prior to a final decision.

As an AGBCC member, you are now a City official and you are bound by ethical standards, State laws, and City policies. You will work closely with City staff, policymakers, citizens, other government representatives, lobbyists, and even grass-roots organizations. This handbook is intended to guide you through these areas and assist you in your service as an AGBCC member.

Your decisions will be reviewed and scrutinized by the public, the City Council, media, and other interested parties. It is important to understand that your personal behavior, both inside and outside public meetings, will be observed and open to criticism by others. Ethics, good judgment, and dignity are the foundation of public service and the credo of City officials. By meeting these expectations, you will enhance our community's perception of city government.

Being an AGBCC member is often challenging, but if you do it well, it will be an exciting and rewarding experience as you help shape the future of our community. We hope that this Advisory Group/Board/Commission/Committee Handbook will help prepare you for serving as a member of the City of Prescott's AGBCC program.

PRESCOTT MUNICIPAL GOVERNMENT

ORGANIZATION

The Prescott City Charter was adopted by the city voters in 1958 and is the basic governing authority of the City. The City Charter establishes a Council-Manager form of government. This means that the City Council provides leadership and formulates the laws and general policies of the City which are then administered by the City Manager. The Charter also outlines the duties and responsibilities of each area of City government.

CITY COUNCIL

The City Council consists of a Mayor and six Councilmembers who are elected at large to serve as the legislative body of the City. The Mayor is elected every two years and acts as Chairperson of the Council presiding over Council meetings. Councilmembers hold staggered, four-year terms, with three seats decided every two years. Soon after every City General Election, the Council chooses a Mayor Pro Tempore to serve in the absence of the Mayor.

Consistent with applicable laws and regulations enacted by the Federal and State Governments, the City Council bears sole responsibility and exercises sole authority in establishing the policies governing the operation of the City of Prescott. The City Council enacts local legislation, adopts budgets, and establishes public policy. To do this, the Council sets goals and objectives based on strategic planning; recommendations from the City Manager, City Attorney, boards and commissions, public input, and through the budgeting process. Members of the City Council also serve as Council representatives to most of the City's advisory groups, boards, commissions, and committees.

TYPES OF ADVISORY GROUPS/BOARDS/COMMISSIONS/COMMITTEES

Boards and Commissions

Article V, Section 1, of the Prescott City Charter authorizes the City Council to create boards or commissions, by ordinance, and to grant to them duties and powers consistent with the Charter. Boards and commissions lie at the heart of citizen involvement in local government. The strength of the board and commission process is its ability to conduct detailed analysis and involve our community at the grassroots level. Board and commission members are appointed by and serve solely at the discretion of the City Council.

Standing Committees

Title 1, Chapter 13 of the Prescott City Code authorizes the Mayor and City Council to create standing committees, by resolution, to act in an advisory role to the Mayor and Council in areas not otherwise within the province of established boards or commissions.

Ad Hoc Committees

Title 1, Chapter 11 of the Prescott City Code authorizes the Mayor to create ad hoc committees for specific limited purposes and for specific limited terms, to act in an advisory role to the Mayor and Council in areas not otherwise within the province of established boards or commissions.

CITY MANAGER

The City Manager is the City's administrative head and is directly responsible to the City Council. The City Charter grants the City Manager a non-voting seat on the Council. This allows the City Manager to take part in Council discussions. The City Manager implements Council policies and directives and makes recommendations to the Council on measures necessary for the efficient and effective operation of municipal services. It is the Manager's responsibility to direct the preparation of the City's annual budget and submit it to the Council for approval. In addition, the City Manager oversees the day-to-day operation of the City and directs the activities of City employees.

CITY ATTORNEY

The City Council also appoints the City Attorney. The City Attorney's Office serves as the legal branch of the City, representing the City's legal interests and rights, providing legal advice, and prosecuting criminal complaints. Among other things, the City Attorney's office drafts and reviews the City's legal documents and issues legal opinions.

CITY CLERK

The City Clerk is appointed by the City Council. The Clerk conducts City elections and maintains the permanent records of the City, including the City Code and City Charter, and oversees the City's Records Management Program. The City Clerk administers the City's board and commission program and conducts board and commission member training, as well as maintaining membership rosters for the City's boards and commissions and processing board and commission applications. Be sure to provide any changes in your contact information as soon as possible to the Clerk's Office so that your record is accurate.

CITY DEPARTMENTS

The City departments include City Manager, City Attorney, City Clerk, City Court, Community Development, Economic Initiatives (including Airport and Tourism), Field and Facilities Services, Finance, Fire, Human Resources, Information Technology, Library, Police, Public Works, and Recreation Services. You will find that your board or commission works very closely with at least one City department, if not more.

MEMBERSHIP ON AGBCC's

GENERAL

Resolution No. 4113-1223 adopted December 13, 2011, by the Prescott City Council outlines the current **Policies and Procedures** for Boards, Commissions and committees of the City, and are shown below:

PRESCOTT CITY COUNCIL POLICY ON MEMBERSHIP ON BOARDS, COMMISSIONS AND COMMITTEES OF THE CITY (Res. 4113-1223)

Standing Committees: *Acker Trust Board, Parks & Recreation Board, Airport Advisory Committee:*

All terms are to be two years, non-staggered, to be appointed in March of every even-numbered year (after the previous fall election). Chairman and Vice Chairman will be selected by the Council.

Committees Established by City Code: *Advisory & Appeals Board, Board of Adjustment, Fire Board of Appeals, Planning & Zoning Commission, Prescott Preservation Commission:*

Members of all of the boards/commissions established by City Code must be residents of the City of Prescott. The current length of terms will continue, but all appointments for new terms will be made in March of each year. Chairman and Vice Chairman will be selected by the Council.

Committees Established by Arizona Revised Statutes: *CDBG Citizens Advisory Committee, Industrial Development Authority, Municipal Property Corporation, , Public Safety Retirement Board:*

The CDBG Citizens Advisory Committee which is authorized in federal regulations shall serve for two years, appointed by the Council during March of even-numbered years. All other committees established by A.R.S. shall be appointed and shall serve as provided by law.

Appointments

Advertisement will occur in December of every odd-numbered year for all positions on Standing Committees, for appointment by March of the following year. Additionally, advertisement will occur for those positions on Boards/Commissions established by City Code in December of the year prior to said term expiration, and advertisement will occur as vacancies arise for the unexpired term.

PRESCOTT CITY COUNCIL POLICY ON APPOINTMENTS ON BOARDS, COMMISSIONS AND COMMITTEES OF THE CITY (Res. 4113-1223)

A. Membership

1. Membership requirements shall be established in each respective resolution or ordinance creating said board, commission, or committee.
2. Members shall be considered solely on the basis of their own merits and qualifications and not on the basis of any personal friendships with committee or Council members.
3. If any member shall be absent for more than two (2) consecutive meetings without notifying the chairman, or shall be absent for more than thirty percent (30%) of all meetings during any one twelve (12) month period for any reason, he or she shall thereupon automatically cease to hold membership on the board, commissions or committee without any further action being taken by the City Council. It shall be the responsibility of the chairman of that board, commissions or committee to so notify the City Clerk immediately upon the creation of a vacancy pursuant to this section. Meetings as used in this section shall include all regular and special meetings, study sessions and field inspections.

B. Selection

1. The City Clerk shall maintain a list of all members and will be aware of all expiration dates for all terms. The City Clerk shall maintain a file of all applicants as to current applications, filing dates, interest in other board positions, interviews and appointments.
2. Council Appointment Committee: A Council Appointment Committee shall consist of three (3) Council members appointed by the Mayor, with the consent of the Council, which shall be responsible for interviewing applicants for appointment to City boards, commissions and committees. The Mayor, with the consent of the Council, shall designate the Chairman.
3. When a vacancy occurs on a board, commissions or committee the chairman and/or staff liaison shall notify the City Clerk who shall begin advertising for said vacancies.
4. In December of each year and whenever a vacancy may occur, the City Clerk shall advertise for applications.

5. When sufficient, qualified applications are on file the City Clerk shall schedule interviews for said applicants with the Council Appointment Committee.
6. Once the Council Appointment Committee has made their recommendations, the City Clerk will present said recommendations to the City Council at a Council meeting. The candidate shall be invited to be in attendance at the meeting and shall be recognized by the Council.
7. Each applicant appointed will be sent an acknowledgement letter signed by the Mayor and the City Clerk will send to each appointee a list of all members of the board, commissions or committee to which they were appointed, along with a Board/Commission/Committee Handbook, to include information on Open Meeting and Conflict of Interest laws.
8. The Department Head designated as an ex-officio member of each board, commission or committee, shall send each appointee a packet containing a description the member's role and the role of the board, commission, committee, attendance requirements, meeting schedule and any other information which may be helpful in fulfilling his or her responsibilities.

C. Orientation

1. In March and September of each year the City Clerk's Office, in conjunction with the City Attorney's Office, shall facilitate Board/Commission/Committee Training for all members recently appointed as well as others interested in attending. Appointees shall attend said training within six (6) months of beginning service.

ROLES AND RESPONSIBILITIES

Council Representatives

Most of the City's AGBCC's have a Councilmember, appointed by the Mayor, who serves as either a voting or non-voting member depending on the structure of the board or commission.

Officers

The City Council appoints the Chairperson and Vice Chairperson. The chairperson is the moderator of meetings and speaks on behalf of the commission when authorized by a majority of the members to do so. The Chairperson may also review meeting agendas prior to their distribution and posting. The Vice-Chairperson serves in the absence of the Chairperson. Chairpersons and Vice-Chairpersons also have authority to call special meetings, as do a majority of the membership, when it is deemed necessary due to time constraints. Other than the above, officers have no additional duties than any other commission member.

Staff Liaison

The City Manager assigns a City staff member to work with each AGBCC. Your staff liaison wears many hats and one of those is to provide support for your AGBCC. Among other things, the staff liaison's role is to:

- Prepare meeting agendas with input from the AGBCC, write and present staff reports and support paperwork to the AGBCC prior to meeting time.
- Ensure compliance with Open Meeting Law requirements, if applicable.
- Assist an appointee in distributing information to the body of the AGBCC according to proper protocols.
- Respond to appointee requests for information related to AGBCC business.
- Prepare letters or other communications of the AGBCC and process them for review and approval by the Mayor.
- Facilitate interaction with other AGBCC's.
- Place items on an AGBCC meeting agenda, in response to direction from the City Council or City Manager, a citizen petition, a request from a commissioner or chairperson, a request from other AGBCC's, or as deemed necessary by the staff liaison.
- Coordinate requests for legal assistance with the City Attorney.
- Prepare AGBCC recommendations to the City Council and make presentations to the City Council on behalf of the AGBCC.

The staff liaison also has authority to call special meetings, when necessary, to meet program directives for the AGBCC.

AGBCC members do not have authority over the work program of city staff. Rather, the liaison acts as an information resource and provides technical assistance. AGBCC members may not direct City staff in the performance of their AGBCC-related activities, nor can they assign projects or direct the work of staff. An AGBCC may request staff's assistance on various projects; however, the City Manager must approve all requests which create a substantial demand for a work product.

Subcommittees

AGBCC's may appoint subcommittees or advisory committees to work on various matters. Subcommittee or advisory committees cannot contain a quorum or more of parent members. Subcommittees and advisory committees are bound by the Arizona Open Meeting Law requirements, meaning that agendas must be prepared and posted and minutes must be taken. The sole purpose of subcommittees and advisory committees is to make recommendations to the main AGBCC and they have no authority of their own.

Meeting Attendance

The success of your AGBCC depends on your active participation. An AGBCC meeting should not proceed without a quorum of members in attendance. Unless otherwise specified, a quorum is one more than half of the full voting membership of an AGBCC. Some establishing ordinances contain attendance requirements, while other bodies have adopted bylaws to clearly define attendance requirements.

Membership Roster

The City Clerk maintains current membership rosters for all City's official AGBCC's. If your home or work address or phone number changes, be sure to notify the Clerk's office as quickly as possible.

LAWS

GENERAL INFORMATION

This portion of the handbook is devoted to helping you navigate the difficult waters that come with being a public official. Public agencies and public officials are bound by stricter standards than the private sector. Preparation for meetings, meeting decisions, discussion items, agendas, and commissioner conduct are all strictly regulated by state law. These statutes require compliance and they affect all government agencies. Non-compliance or willful disregard of these laws can result in painful consequences.

The most important laws that you will face as an AGBCC member are Arizona's Open Meeting Law (Arizona Revised Statutes, Title 38, Chapter 3, Article 3.1), Public Records Law (A.R.S. Title 38, Chapter 3, Article 3; Title 39, Chapter 1; and Title 41, Chapter 1, Article 2.1) and Conflict of Interest Law (Arizona Revised Statutes, Title 38, Chapter 3, Article 8). Protecting the public and safeguarding the public process is at the core of these laws. Because they have a direct bearing on your AGCBB's activities and your behavior, it is vitally important for you to become familiar with them.

With few exceptions, all AGBCC meet on a regular basis. If a quorum is not in attendance, by definition, it is recommended that a meeting not be conducted. It is important that all, or a majority of, commissioners receive information and engage in discussion at the same time. This ensures a level playing field for commissioner members and the members of the public interested in the issue. In cases where a quorum is present at the beginning of the meeting but is lost due to attrition during the meeting, the meeting shall be concluded at the time of the departure of the commissioner whose absence results in the lack of a quorum.

OPEN MEETING LAW (A.R.S § 38-431-09) (Appendix A)

Arizona's Open Meeting Law states that:

"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. . . ."

In other words, meetings shall be open to the public and all legal action, as well as the proposing and discussion of all such action, must take place during the public meeting. Further, only items on the agenda may be discussed. Regular or special meetings, work or study sessions, or other gatherings at which a quorum of the public body is present to discuss or decide the public body's business, must comply with the notice, agenda, and minute requirements and must be open to the public.

AGBCC's must designate, in writing to the City Clerk, the place where meeting notices will be posted. Notices must state when and where the meeting will be held and list the items of business to be discussed. In most cases, a copy of the agenda can serve as the meeting notice so long as it contains all of the elements required in this section. These notices are prepared by your staff liaison and kept on file in the Clerk's Office for public inspection.

A minimum of 24-hour public notice to board and commission members and the general public is required for all public meetings unless an actual emergency exists. In addition to notice of the time, date, and place of each meeting, the Open Meeting Law requires a prepared agenda. Notices and agendas must contain enough information to inform the public of the matters to be discussed or decided. This does not permit the use of agenda items such as "new business" or "old business," unless the specific items of new and old business are listed. Once again, your staff liaison will make sure that your agendas are prepared and posted in accordance with the law as a matter of course.

Actions taken at a meeting held in violation of the Open Meeting Law are null and void unless ratified within 30 days of discovery **and** notice and a detailed description is given at least 72 hours prior to the meeting to ratify the non-complying action(s).

The Open Meeting Law requires minutes for all meetings, regardless of the type of committee. At a minimum, minutes must contain the date, time, and location of the meeting; a list of governing board members in attendance and those members who are not in attendance; a description of the topic(s) under discussion and/or consideration; the name of each person "making statements or presenting material to the public body;" all first and second motions, along with the person's name who made the motion; and a numerical breakdown of the vote. Either written minutes or an audio recording of a public meeting must be available for the public within three working days after the meeting, and legal action taken must be posted on the City's website within this same time period. Written minutes that have not yet been approved should be marked "draft" before being made available for public inspection, and are not posted to the City's web site until approved by the AGBCC. Action taken by a subcommittee or advisory committee must be posted on the City's web site within ten days of the action taken.

Practices such as polling individual members to reach a decision prior to the meeting are prohibited. If the public body or its presiding officer appoints a subcommittee to study a particular issue, the law also governs the meetings of the committee or subcommittee. This is true regardless of the composition of the committee or subcommittee.

Discussions held, whether oral, written or via e-mail, by a quorum or more of AGBCC members would result in a violation of the Arizona's Open Meeting Law.

To avoid pitfalls associated with Open Meeting Law, information and materials that a commissioner wishes to share with members of his/her commission should be provided to the staff liaison for distribution to the commission at an open meeting or should be distributed by the commissioner at an open meeting with sufficient copies for those in attendance. Discussion is to be limited to public sessions in keeping with the spirit of the Open Meeting Law. This means that the public's business is to be conducted in public.

On a rare occasion, an AGBCC may convene for an executive session. Executive sessions shall not be held without the prior consent of the City Attorney. Executive sessions must meet the minimum 24-hour posting requirement and agendas, again, must inform the public of the matters under consideration. Bodies are allowed to convene in executive session only under seven auspices. The most likely topic of an executive session involving a board or commission would be to consult with the City's attorneys regarding an issue. Executive sessions are not open to the public and no formal action is taken. In addition, the particulars of executive sessions matters are confidential and may not be discussed with anyone.

Arizona's Open Meeting Law includes penalty provisions for violations. Anyone affected by an "illegal action" can file suit in Superior Court. If the Court finds that the Open Meeting Law has been violated, it may levy a fine of up to \$500 against the commissioner(s) for each violation. The commissioner as an individual, and not the municipality, must pay the fine. The commission member is also subject to removal from office.

The Arizona Attorney General has published an "Agency Handbook" on its website. Chapter 7 is devoted to public agency duties and responsibilities under the Open Meeting Law. If you would like to view this information, you can visit the Attorney General's website at: http://www.azag.gov/Agency_Handbook/Ch7.pdf, and a link is also provided on the City's website. This document is fully linked for your convenience.

If violations of the Open Meeting Law continue to occur after admonishments to a commission, any of its members, or the staff liaison in conjunction with the commission or its members, a formal complaint will be filed with the Arizona Attorney General's office to seek compliance in order to protect the best interests of the community and the City of Prescott.

E-mails and other Communications among AGBCC's outside a Public Meeting

Communications can occur among AGBCC members in a variety of ways in other than a public setting: face-to-face, in writing, over the telephone and through the use of e-mail. The Attorney General's Office is enforcing the Open Meeting Law to prohibit the use of e-mail between a quorum of the members of a public body where public matters are discussed, considering such e-mail discussion to be a "meeting" held in violation of the Open Meeting Law.

E-mail (or electronic) communications can constitute a "meeting". When members of a public body begin having discussions by electronic or telephonic communication, it can result in Open Meeting Law violations. Once a commissioner commits to written form a communication related to commission business, that record no longer belongs to the commissioner as an individual, but becomes part of the public domain. Anyone involved in sending messages back and forth which even discuss possible action or propose a formal action may be breaking the law—the same as if the commissioners had met together in a private meeting.

PUBLIC RECORDS LAW (Appendix B)

Arizona's Public Records Law commands that public records and other matters in the custody of an officer shall be open to inspection by any person at all times during office hours. The law applies to, among others, officers of cities and towns. 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. Email generated or maintained on a government email system are public records. Likewise, emails 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.

To avoid problems, keep the following three tips in mind. First, whenever creating documents presume they will be public records available for inspection, copying, and printing. Second, don't tamper with a public record – by destroying it, backdating it, hiding it, altering it, or

otherwise falsifying it. Third, whenever you receive a request for a public record, please contact your staff liaison or the City Clerk's Office.

CONFLICT OF INTEREST LAW (ARS §38-503) (Appendix C)

Conflict of interest laws are written to protect the public's interests primarily, but they also provide protections for the public agency and for you.

It is a felony if you knowingly or intentionally violate the Conflict of Interest Law. A negligent or reckless violation is a misdemeanor. You can also be prosecuted for failing to disclose a conflict that you did not know about but should have. You have to be alert to this possibility and make all reasonable efforts to identify potential conflicts.

The Conflict of Interest Law applies to all public officers, including AGBCC members, and employees of incorporated cities and towns. It can also apply to relatives of public officers and employees. Generally, all City employees and elected and appointed officials must be constantly on guard against conflicts of interest. Because there are severe penalties for violating the Conflict of Interest Law, you should understand your obligations, liabilities, and rights.

The law makes it the AGBCC member's responsibility to make known any conflict of interest immediately. This should occur prior to any discussion or statements regarding the item for which the member has the conflict. If you have a concern or suspect that there "may be" a conflict, before the meeting where it may arise, please go in to see the City Attorney or call and discuss it in private, review the law together, and determine the proper course of action. Conflict of interest questions are exclusively the province of State law. The State conflict laws apply to all public officials and when the State law was adopted it was intended to supersede any other local law or Charter. The law was intended to be uniform statewide.

The law precludes you from participating in any manner on an item where you have a substantial interest, either pecuniary (monetary) or proprietary (title or property), unless it is considered to be what is referred to as a remote interest. All of these terms are defined in State law. To elaborate on this, as it is used in the state statutes, the term conflict of interest deals with property or pecuniary (money) issues, for which the person with a conflict will either gain or lose something. It does not include issues where an elected official or board member merely has general sympathy, feelings or bias. Courts are governed by what is referred to as an "appearance of impropriety" and will often declare a conflict and remove themselves when there is an appearance that they may be biased or have feelings about witnesses that would prevent them as being viewed as fair and impartial.

Some examples of situations where a conflict under the statutes governing publicly elected as well as appointed board members include: situations where there are past or current contracts which by virtue of a vote by the council, or the board member, would result in a direct potential financial gain or loss. In a corporate context, where a councilmember has stock, or ownership of less than 3% of the shares of a corporation, the statutes consider this to be a remote interest and there would be no conflict. In addition, if a council or board member is a recipient of public services of the city that are normally provided to other citizens, under the same terms as would be available if one were not a public officer or employee also does not create or result in a conflict of interest. Examples of this would be voting on a public road project which goes past a

councilmember's property and will not result in any direct pecuniary or proprietary benefit to the particular councilmember.

The statute on conflicts of interest uses the term substantial interest to define the type of interest that creates a conflict under the statute. This is an interest that is not a merely abstract interest or a possible, contingent interest. One test as to whether or not the interest is not an abstract or remote interest is whether or not ones personal economic interest is affected by the business they transact on behalf of the government. In other words, will the person voting "gain or lose something by participating in and voting on a particular item?" Pecuniary means money, proprietary means property. The statute is concerned with direct economic benefit or detriment to economic interest. It doesn't cover bias, personal opinion or the appearance of impropriety.

When you do have a substantial interest, you are required to make known that interest in the public record (minutes of the meeting) and refrain from participating in any manner. "Participating in any manner" means exactly that. Not only should you not vote on the issue, but you should also refrain from discussing it with other Council members or staff members so that you are not alleged to be attempting to influence a decision "behind the scenes". You should not obtain confidential information on the issue from City staff and use it where you have a conflict either. Additionally, a public official or employee cannot sell to or contract with the City for more than \$300.00 in any one instance, not to exceed \$1,000.00 total per year, unless the contract is awarded pursuant to a sealed competitive bidding process. The bidding statutes are much stricter when it comes to bids involving public officials.

Remember, the goal of the City Attorney's Office is to keep you squeaky clean and avoid even the appearance of impropriety. To accomplish this goal, they need your help and cooperation. Their door is always open to you to discuss these issues in private. Please make every effort to avoid these conflict problems. The City Attorney will be glad to sit down with you and discuss your potential conflict of interest with you.

MEETINGS

AGENDAS

As discussed in the section on Arizona's Open Meeting Law, AGBCC's are required to prepare and post agendas for their meetings. AGBCC's may establish deadlines within which to place items on an agenda in order to allow sufficient time for the agenda to be prepared, posted, and distributed to the members. Items are placed on agendas in a variety of ways:

- In response to direction from the City Council.
- In response to a directive from the City Manager.
- In response to a petition from a citizen.
- As requested by any commissioner at a public meeting.
- In response to a request from the chairperson.
- As deemed necessary by the staff liaison.
- As requested by other boards and commissions.

Requested agenda items will be placed on an agenda as the associated work can be completed by the staff liaison.

Agendas are necessary to the conduct of a meeting and they inform the AGBCC and the public of items that will be discussed. Items must be stated in a sufficiently clear way as to identify the subject matter and potential action(s) that can be taken. Placing an item on an agenda allows an AGBCC to discuss and possibly act on an item.

SPECIAL RULES

State and Local Rules

Established guidelines and rules are essential to a productive and successful meeting. The City Council has established a successful format for conducting business at Council meetings and boards and commissions should follow those guidelines in conducting their own meetings. The City Council is bound first by the Arizona Revised Statutes, in particular the Open Meeting Law. The Prescott City Charter also establishes rules regarding the conduct and meetings of the City Council and is the local legal authority on several aspects of meeting activity.

The Charter of the City of Prescott provides that, in the absence of a conflict of interest, an abstention is counted as an affirmative vote:

"No member of the Council present at any meeting shall be excused from voting, except in matters involving the consideration of their own official conduct. In all other cases, a failure to vote shall be entered on the minutes as an affirmative vote."

When a refusal to vote occurs, it is entered on the minutes as an affirmative vote with no explanation. The no-vote or abstention clause is intended to provide an incentive to vote. The

provision also protects the public process and ensures that, at a minimum, a majority of members present at a meeting vote on an issue.

Following the form outlined in the Charter, the chairperson role is similar to that of the Mayor. A chairperson is a regular voting member of the AGBCC. The chairperson may call a special meeting when deemed necessary. The chairperson also presides over meetings and acts as spokesperson for the AGBCC when appropriate. As with the City Council, citizens may petition an AGBCC to have an item placed on an agenda and the item is to be placed on the next available agenda, if possible.

By-Laws and Rules of Procedure

An AGBCC may adopt specific by-laws or special rules so long as these do not conflict with State law, the Charter of the City of Prescott, or City ordinances or policy. The provisions in this handbook are designed to follow closely the rules and regulations established by the City Council and apply to all AGBCC's.

Robert's Rules of Procedure

The City Council has adopted Robert's Rules of Procedures as its parliamentary authority. Robert Rules of Procedures contains within itself a provision that identifies itself as the **last in the line of authority and last in the order of precedence**. Thus, Robert's Rules should be the last authority after all other existing authorities have been exhausted. If there is any conflict between Robert's Rules of Procedure and other laws or adopted rules, the other regulations control.

It is important to remember that Robert's Rules of Procedure is a guide for conducting the business of a meeting and it is not the law. The only required actions to make an item legal are a motion, a second, and a vote. Within that motion, second, and vote, intent must be clear and those who vote on the matter must clearly understand the intent. Robert's Rules provides formulas for the sequencing of different kinds of motions and an orderly rule for conducting a meeting. However, if a motion is plainly made, a second to the motion is placed on the record, and the voting participants understand the effect of their vote and support the outcome of the motion, it will stand up on its own even if it does not follow the letter of Robert's Rules.