

Rules of Procedure

Town Council, Boards & Commissions Handbook



Sahuarita

ARIZONA

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I. Introduction

This handbook is to help elected officials, board, committee, and commission members of the Town of Sahuarita fulfill the duties and responsibilities of their office. This handbook is for reference purposes only. State and local government references, other municipal manuals, and similar publications available through the International City/County Management Association (ICMA) and League of Arizona Cities and Towns are the foundation of the information in this handbook.

This handbook contains information about the basic structure of town government, public officials' roles, guidance regarding meeting conduct, applicable laws, regulations, policies and procedures, and helpful references. Additionally, a Code of Ethics is available for members of the Town Council and the Town's Boards and Commissions to assure public confidence in the integrity of local government and its practical and fair operation.

Sahuarita voters elect the Town Council to serve as the Town's legislative body. The Town Council establishes boards, committees, and commissions to review town programs, projects, and community issues. These groups reflect greater community participation and are valuable sources of information as they make recommendations to the Town Council regarding specific topics and Town services.

Please contact the Town Manager, Town Attorney, Town Clerk, or Department Representative with questions regarding your role, authority, or area of responsibility as a member of the Town Council or other Board, Committee, or Commission.



II. Definitions

Agenda – the formal description of items to be considered by the public body at a noticed meeting of the Town Council, Board, Commission, or Committee. The final agenda must be posted at least 24 hours before the meeting.

Conflict of Interest – when a public body member or relative of the Official has a substantial interest (pecuniary or proprietary) in a matter that may come before the public body during the public member’s term of office. An interest is not substantial if it is a remote interest under A.R.S. § 38-502(10).

Consent Agenda – a group of items on a meeting agenda that are routine and noncontroversial to be considered by the public body as a single vote without discussion or deliberation.

Courtesy Quorum Notice – a public notice that a quorum of the public body may attend an event, but no Town business will be conducted.

Ex-parte – one-sided. *Ex-parte contact* is when only one side of a matter is represented or heard. This typically refers to communication that occurs outside of the formal meeting process or without the parties' knowledge.

Meeting – the gathering, in person or by technological devices, of a quorum of members, at which they discuss, propose, or act, including any deliberations by a quorum concerning such action. If a quorum is absent, those in attendance will be named for the record, and in the absence of the Mayor or Chairperson, the Town Clerk or department liaison adjourns the meeting.

Meeting Packet – documents that support the items listed on the agenda and require action by the public body. The public body may use staff and the public for more in-depth information than may be presented in an oral report. The Meeting Packet for the various legislative bodies is organized as outlined in Section 6 below. It is provided to the public body, published online, and distributed to the public upon request.

Newspaper – a daily or weekly publication of general circulation within the Town of Sahuarita containing recent news, feature articles, editorials, and advertisements. Public Notices may be published in the Sahuarita Sun or Green Valley newspaper as deadlines allow.

Notice – a formal announcement to the public that sets forth the name of the public body, date, time, and place for a public body meeting. Proper notice of meetings is provided as determined by law.

Ordinance - is a Town Council action setting forth a rule of public conduct that is considered long-term and may prescribe a penalty for violations thereof. Long-term rules include zoning issues, annexations, abandonments, and Town laws. The Ordinance, in addition to being referenced by number in the Minutes, will be recorded and maintained in numerical sequence as a permanent record of the Town. Effective dates of Ordinances shall be as provided by law.

Presiding Officer – the leader of a public body meeting, generally the Mayor or Boards, Committees, or Commission Chairperson.

Proclamation – an official, non-contractual document signed by the Mayor to recognize significant or special community events.

Public Body – is the Town Council, and all Boards, Committees, and Commissions of the Town, and any specially created Board, Commission, Committee, or Sub-Committee of the Town created within the purview of the Town Council.

Quorum – the minimum number of members of the public body that must be present for business to be legally transacted. With a seven-member body, a quorum (by State Statute) is four members.

Resolution – a formal action used to set forth the Town's policy. In addition to being referenced by number and brief title in the Minutes, the Resolution will be recorded as provided by law and maintained in numerical sequence as a permanent record of the Town. Resolutions are used for various reasons, such as when specifically required by law, when needed as a separate evidentiary document to be transmitted to another governmental agency, or where the frequency of future references back to its contents warrants a separate document to facilitate such future reference and research. Effective dates of Resolutions shall be as provided by law.

Recusal – the act of being removed or excusing oneself from the decision-making and voting process due to a conflict of interest.

Roll Call Vote – a method of voting where each public body member casts their vote on a motion vocally after being called upon by the public body secretary or clerk.

Supermajority – a specified proportion of votes in excess of a simple majority, such as at least three-fourths of the votes cast, as required by the legislature to pass certain measures.

Voice Vote - a method of voting where each public body member casts their vote on a motion collectively.

III. Sahuarita Municipal Government

The Town Code establishes a Council-Manager form of government. The Council-Manager form of local government combines the strong political leadership of elected officials with the strong managerial experience of an appointed professional government manager.

A. Town Council

The Town Council consists of a Mayor and six Council Members. They are elected at large to serve as the Town's legislative body. The Council Members appoint the Mayor every two years to serve as the Town's chief executive officer. In addition, they act as Chairperson of the Council, presiding over Council meetings. Shortly after every Town General Election, the Council chooses a Vice-Mayor to serve in the absence of the Mayor. Council Members hold staggered, four-year terms, with three seats decided every two years and four seats every two years in staggered fashion.

Consistent with applicable federal and state laws and regulations, the Town Council formulates all policies and rules that govern the Town of Sahuarita. The Town Council enacts local legislation and policy within its vested rights under the Town Code and the best practices of the Town's adopted Council-Manager form of governance.

B. Town Manager

Under the Town Code and in concert with the Council-Manager form of local governance, the Town Council appoints the Town Manager, the Town's chief administrative officer, who reports directly to the Town Council. The Town Manager is responsible for providing professional leadership in administering the programs and policies the Mayor and Council establish.

The Town Manager makes recommendations to the Town Council, implements Council policy and directives, prepares the annual budget and presents it to the Council for approval, and oversees the day-to-day town operations of all Town Employees through their direct oversight and supervision of all the Town's department heads or leadership team, except for the Town Attorney and the Town Magistrate positions, who are also direct appointees of the Town Council.

C. Boards, Committees, and Commissions

The strength of the boards, committees, and commissions lies in their ability to provide a detailed review of specific issues and increase public input and participation in determining Town policies and procedures. This process offers an opportunity for further public discussion and gives the Town Council a broader base of information on which to formulate decisions. As a result, boards and commissions are essential for generating wide public input and recommendations to the Town Council.

Boards, committees, and commissions are established and may be dissolved by the Town Council. With the few exceptions specified herein, they are advisory to the Town Council.

The boards and commissions with authority to take non-advisory action consistent with state law or town ordinance are the Board of Adjustment, the Board of Appeals, and the Public Safety Personnel Retirement Board. Board and commission members on these bodies should act only within the authority assigned to them by ordinance or state law. Board and commission recommendations are presented to the Town Council in reports prepared by staff, including minutes of meetings or requests approved by the full commission. The Town Council reviews and considers board or commission recommendations before making decisions; however, the final decision-making authority rests with the Town Council. Therefore, recommendations are essential to the Town Council and are given substantial weight. The Town Council has several options and may:

- Approve the recommendation.
- Change a recommendation.
- Send a matter back for further consideration.
- Not accept the recommendation.

The Mayor or Town Council appoints members to various Town boards and commissions with a few exceptions. To evaluate the applicants, the Town Clerk's office provides the Council with a list of applicants and their applications when member terms expire or vacancies occur. In addition, council members may contact applicants to discuss their interest in serving on a specific board or commission to which they have applied. The Town Clerk's Office will also assist the Council members with recruitment.

IV. Responsibilities

A. Roles & Responsibilities

1. Town Council

Under the Council-Manager form, the Town Council is the legislative body and the community's policymakers. Power is centralized in this body, which approves the budget and adopts local laws and regulations. The elected officials also focus on the community's big-picture goals, such as community growth, safety, and well-being.

The elected officials hire a professional Town Manager based on that person's education, experience, skills, and abilities and not on their political allegiances. The elected officials supervise the manager's performance. If a person is not responsive and competent, the elected officials can remove them anytime.

2. Mayor

The Mayor is a voting member of the governing body. The Mayor is selected by and from their colleagues on the governing body. The Mayor is the community's public face who presides at meetings, facilitates communication and understanding between elected and appointed officials, and assists the governing body in setting goals and advocating policy decisions.

3. Town Manager

The Town Council appoints the Town Manager—the chief administrative officer of the Town and reports directly to the Town Council. The Town Manager is responsible for providing professional leadership in administering the programs and policies the Mayor and Council establish. This person:

- Prepares a budget for the governing body's consideration.
- Recruits, hires, supervises, and terminates government staff.
- Serves as the governing body's chief advisor by providing complete and objective information about local operations, discussing options, assessing the long-term consequences of decisions, and making policy recommendations.
- Carries out the policies established by the governing body.

4. Boards, Committees, and Commissions

The Town Council relies on boards and commissions to research issues and recommend decisions and policies in the community's best interest on specific topics and areas of interest. With few exceptions, board and commission members make purely advisory recommendations. Their offers are vital to the

elected officials who will establish public policy because these suggestions are based on board members' expertise and their study of specific issues. The Town Council trusts that board and commission members will exercise sound independent judgment so that they may offer the best advice possible.

The Town Council will weigh the advice and recommendations offered by the boards and commissions, town staff recommendations, public input, and other sources to make policy decisions that best serve the community.

5. Public

Under a Council-Manager form of government, local governments often actively involve their residents in community decision-making. Residents can guide their community by serving on boards and commissions and participating in visioning sessions, community forums, public hearings, and citizen surveys.

B. Boards, Committees, and Commissions Service

Serving on a board, committee, or commission can be rewarding and is a great way to give back to your community. Some highlights of service include:

1. **Positively impacting the community:** Serving on a board, committee, or commission allows you to influence the decisions that shape your community directly. In addition, you can use your skills and experience to make a real difference in the town.
2. **Personal growth and development:** Volunteering on a municipal board, committee, or commission can be an excellent opportunity to learn new skills and gain valuable experience. It can also help you enhance your leadership, communication, and problem-solving skills.
3. **Networking opportunities:** Serving on a municipal board, committee, or commission can provide valuable networking opportunities. You can connect with other community leaders and stakeholders, benefitting your personal and professional growth.
4. **Recognition and appreciation:** Serving on a municipal board, committee, or commission can be a rewarding experience, as your contributions are recognized and appreciated by your community. It can also enhance your reputation and credibility within your community.
5. **Enhancing democracy:** By serving on a municipal board, committee, or commission, you help ensure that your community's decision-making processes are fair, transparent, and representative of all community members. This is a

crucial way to promote democracy and civic engagement. Although not required, serving on a board, committee, or commission for the Town can be an excellent preparatory step to running for and serving in an elected office.

Although service can be rewarding, there may also be drawbacks, such as:

1. **Time Commitment:** Serving on a municipal board, committee, or commission requires significant time and dedication. Board members must often attend regular meetings and commit to additional work outside those meetings.
2. **Public Scrutiny:** Board members are often in the public eye and subject to criticism and scrutiny from the media, constituents, and other stakeholders.
3. **Making Difficult Decisions:** Board members must often comment on complex topics and make recommendations that benefit the entire community.

C. **Ethics**

Sahuarita citizens are entitled to fair, ethical, and accountable local government, which has earned the public's confidence. In keeping with the Town's commitment to the effective functioning of local government, public officials, both elected and appointed, shall comply with both the letter and spirit of the laws and policies affecting the operations of government; be independent, impartial, and fair in their judgment and actions; and use their office for the public good and not for personal gain. All public deliberations and processes shall be conducted openly in an atmosphere of respect and civility unless they must be confidential per the law.

As a result, a Code of Ethics is provided for the members of the Town Council and the Town's Boards and Commissions to ensure the public's confidence in the integrity of the local government and its just and effective functionality. Section IX of this document contains the Code of Ethics.

D. **New Members**

A person elected or appointed to a public body is required by statute to review the open meeting law materials at least one day before taking office. You may read the open meeting law on the Arizona State Legislature's website at A.R.S. Title 38, Chapter 3, Article 3.1. More information about Arizona's open meeting law can be found in Chapter 7 of the Arizona Agency Handbook published by the Arizona Attorney General's Office.

V. Rules of Procedure and Authority

All meetings of the Town Council and its appointed Boards, Committees, and Commissions are governed by these procedures, as applicable. Committees formed by the Town Manager or department heads solely to advise such officials on matters within their scope of authority are not public bodies subject to the Open Meeting Law. In addition, meetings are governed by the following:

- Applicable provisions of the Arizona Revised Statutes (“A.R.S.”), including, but not limited to, the Arizona Open Meeting Law (A.R.S. §§ 38-431 et seq., as amended) and the Arizona Conflict of Interest Law (A.R.S. §§ 38-501 et seq., as amended); and
- Town of Sahuarita Code (“TOS Code.”)
- Where not inconsistent with these rules and procedures, the A.R.S. or TOS Code, the current version of Roberts Rules of Order, is used as a supplementary guide.

VI. Meetings

A. Preparation

1. Meeting Types and Headings

a) Regular

The Town Council holds regular meetings for discussion or action on various issues. Generally, the Town Council will schedule regular meetings on Monday. In November of each year, the Town Council establishes regular meeting dates for the next year, modifying the meeting dates as needed. The Mayor has the authority to cancel any regular Town Council meeting.

Boards, Commissions, and Committees will meet as needed.

Public body members are notified of the meeting cancellation or meeting date, hour, and purpose a minimum of 24 hours before each meeting.

b) Special

The Mayor or three members of the Council may call a special meeting at any time by notifying the Town Manager. The Town Clerk will inform the council members of the special meeting's date, hour, and purpose.

The Town Council will adopt the annual fiscal year budget in a special meeting before the new fiscal year begins.

The Town Council may hold any meetings it deems necessary for addressing specific issues, strategic planning, budgeting, or any other purpose allowed by law if the required notice is given per the open meeting law.

c) Executive Sessions

The Town Council, Board, Commission, or Committee may hold executive sessions pursuant to A.R.S. §§ 38-431 et seq., as amended. Executive session meetings are not open to the public and are allowed only to discuss specific topics permitted by law. All information distributed and discussions during executive sessions are confidential. They may not be disclosed to anyone, not a party to the executive session except as required by A.R.S. § 38-431.03 or a court order.

d) **Study Sessions**

The Town Council, Board, Commission, or Committee may schedule study sessions to present and discuss issues that require in-depth consideration by the public body. Topics may include discussing long-range plans and programs for which no immediate action is needed, detailed presentation and discussion of matters to be placed on a future agenda for consideration and action, or an exchange of information between staff and the public body. Since these sessions are for exchanging information, comments from the public are rarely heard. Generally, the public body takes no formal action on study session items. However, the public body may direct staff for further action or provide a consensus.

e) **Emergency**

In the event of an emergency, the Mayor may declare an emergency to exist pursuant to A.R.S. §26-311. Such a declaration of emergency shall automatically expire seven days following the date the declaration of emergency is executed unless further extended by a vote of the Town Council.

The Town Manager will consider the nature of the emergency and other pertinent factors to determine when to establish an Emergency Operations Center (EOC). The Town will coordinate with any other County, State, or Federal EOC to address the emergency. The primary objective of the EOC is to assist the Incident Commander and appropriate Town staff or officials in making crucial decisions to promote public safety. The EOC team may be comprised of the Town Manager, Public Information Officer, Department Heads, or other personnel designated by the Town Manager. This group collaborates to guide the Mayor, who bears the ultimate authority over all emergencies.

In an emergency, the Town Council may hold a meeting, including an executive session, as provided in A.R.S. § 38-431.02(D) and (E). Topics may include discussion and action on unforeseen issues where time is of the essence, and there is no time to post a meeting notice 24 hours in advance. However, a notice will be posted within 24 hours following the emergency meeting. The information will include the agenda of specific items discussed, considered, or decided.

f) **Adjourned/Continued/Postponed**

Any meeting may be adjourned/continued/postponed to a time, place, and date certain. Reasons to adjourn, continue, or postpone a meeting are that there are no more agenda items to discuss, there is insufficient time for all agenda items to be discussed, there is a need for additional information or data, key participants, such as staff, are missing, technical difficulties preventing effective communication or remote participation, emergency situations such as inclement weather or power outages, public safety concerns related to unruly crowds and civil disobedience, legal requirements or procedural issues, the need for additional public input or comment, unforeseen circumstances or events that affect the ability to conduct an effective meeting.

2. **Meeting Agendas and Notices**

a) **Preparation and posting of meeting notices**

The Open Meeting Law generally requires at least twenty-four-hour advance notice of all meetings to the public body and the public. The Town Clerk's Office compiles and prepares the meeting agenda for the Town Council. The designated department responsible for the public body prepares, distributes, and posts meeting materials for other boards, committees, and commissions.

b) **Submittal of agenda items**

Items may be placed on a meeting agenda for discussion and possible action by the Mayor, Chairperson, Town Manager, Town Clerk, Town Attorney, or department representative. The Town Manager or Chairperson shall include any relevant item requested by two public body members on a meeting agenda as soon as practicable.

c) **Meeting packets**

A copy of the meeting agenda and backup materials (meeting packet) will be distributed electronically to all public body members at least ten (10) days before a regularly scheduled meeting. Please note that while this is the standard for Town staff, inevitably, there are times when late material is added, but it will be done before the 24-hour posting requirement. Members may request hardcopies of meeting materials by contacting the Town Clerk for Town Council Meeting materials or the department representative for other boards, committees, or commissions.

d) **Preparation of agenda packet**

Any item placed on the agenda must be accompanied by supporting documents and a staff report that includes at a minimum:

- (a) An executive summary highlighting the main points of the item; and
- (b) Financial impact (Town Council); and,
- (c) Recommended action.
- (d) Late delivery statement. A statement indicating additional materials will be provided after the packet delivery date (if applicable).

e) **Agenda-setting meeting**

Before each council meeting, the Mayor, Town Manager, and Town Clerk shall discuss items to be included on the agenda at an agenda-setting meeting scheduled by the Town Manager. Additional attendees at the meeting may include the Town Attorney, Vice Mayor, Assistant Town Manager, and others deemed necessary by the Town Manager.

f) **Revised and addendum agendas**

If a public body needs to change an agenda by modifying existing items or adding new ones, a new agenda or addendum must be created and distributed in the same way as the original agenda. This must be done at least twenty-four hours before the meeting. The public body will be informed of any changes to the agenda via email.

g) **Distribution of agendas, packets, and notices**

Members of the public body are informed via email. The public is notified via posting on the information board on the town hall's exterior outside the Council Chambers and via the town's website. Members of the public can also sign up for electronic notification via the town website.

B. Order of Business

The order of business of each meeting is contained in the meeting agenda. The meeting agenda for the Town Council is as follows and is modified as needed. Executive sessions, work and study sessions, and special meetings may be combined with a regular or stand-alone meeting.

1. Call to Order

The Mayor calls the meeting to order. In the absence of the Mayor, The Vice Mayor calls the meeting to order. If both the Mayor and Vice Mayor are absent, the Town Clerk will call the meeting to order, and the Town Council will select a Mayor Pro Tempore.

2. Invocation

Leaders within the Town of Sahuarita, including town staff and officials, police and fire chaplains, are invited to give an invocation.

3. Pledge of Allegiance

Youth from the Sahuarita community are invited to lead the Pledge of Allegiance. Coordination of pledge leaders is a function of the Town Clerk's Office. If a pledge leader is unavailable, the Mayor, a member of the Town Council, or a staff member will lead the Pledge of Allegiance.

4. Roll Call

The roll call is announced by the Town Clerk, who calls the name of each member, with the members acknowledging the roll call by saying "present."

5. Presentations

Informational presentations to the Town Council and the public. Topics include employee awards, recognition, and proclamations.

6. Call to the public

This is when any member of the public may address the Town Council on any issue that is not on the meeting agenda for that date. Individuals are allowed up to three (3) minutes to speak; spokespersons representing ten (10) or more people are allowed up to ten minutes. If the Mayor allows, speakers may wrap up their comments after the allotted time expires. Speakers are asked to complete a speaker card and deliver it to the Town Clerk before the start of the meeting.

The Mayor may limit the number of persons speaking due to time constraints or limit comments on one topic.

Pursuant to Open Meeting Law, as provided in A.R.S. § 38-431.01(H), after the call to the public, individual members of the Town Council may respond to criticism, ask staff to review the matter or ask the issue to be placed on a future agenda. Although the legislature has not provided a definition of “criticism,” the Oxford English Dictionary defines criticism as “the expression of disapproval of someone or something based on perceived faults or mistakes.” Based upon what is allowable by law and the dictionary definition of “criticism,” a Council Member may respond to criticism made by the public, specifically about themselves. For example, a citizen speaks about how ineffective Council Member A is in office. Council Member A may respond at the end of the Call to the Public. If you are unsure about whether a comment amounts to criticism, the Town Attorney can advise you.

7. **Mayor & Council Members summary of current events**

The Mayor and Town Council Members may briefly report on current events. No action is taken.

8. **Town Manager’s report**

The Town Manager provides an overview of the monthly report containing employee accomplishments, town-wide projects, and miscellaneous events. No action is taken.

9. **Consent agenda**

The consent agenda contains routine items requiring Town Council action, topics already familiar to the Town Council, and may not require Town Council discussion. A single motion approves all items on the consent agenda. A Town Council Member may remove any item from the consent agenda to be discussed and voted on separately. Topics include approval of minutes, contracts, intergovernmental agreements, items that the Council has previously discussed in a study session, and vacating right-of-way.

Note: A Council Member may request a separate vote on an item with which they have a [conflict of interest](#). A conflict of interest exists when a Council Member has a substantial interest (pecuniary or proprietary) in a matter that may come before the Council during the official’s term of office. An interest is not substantial if it is a remote interest under [A.R.S § 38-502\(10\)](#). Council Members have an obligation to become aware of the interests of relatives in matters in which the Council Member may become involved. “Relative” is defined under A.R.S. § 38-502(9) 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.”

10. **Items for discussion, possible action, and public hearings**

These are items of substance requiring debate and action by the public body. Discussion of the topic usually begins with a presentation by staff of the proposed action followed by Town Council discussion before Town Council action. If any member of the Town Council has a conflict of interest, that member should declare the conflict, refrain from participating in the discussion, and not vote on the issue. For more information regarding a conflict of interest, see the note in the *Consent agenda* section above and the [conflict of interest](#) section in this manual.

11. **Adjournment**

The Mayor, Vice Mayor, or Mayor Pro Tempore adjourns the meeting when all agenda items are completed.

The meeting agenda for Boards, Committees, or Commissions varies. However, the following format may be modified as each public body needs.

1. **Call to Order**

The Chairperson calls the meeting to order. In the absence of the Chairperson, the Vice Chairperson calls the meeting to order. Suppose both the Chairperson and the Vice Chairperson are absent. In that case, the Departmental Representative will call the meeting to order, and the public body will select a temporary Chairperson to run the meeting.

2. **The Pledge of Allegiance**

The Chairperson, public body, and audience lead the Pledge of Allegiance.

3. **Roll Call**

The roll call is announced by the Departmental Representative, who calls the name of each member, with the members acknowledging the roll call by saying “present.”

4. **Approval of Minutes**

The members of the public body review, revise and approve the written meeting minutes from previous meetings.

5. **Members and Departmental Representative report**

The public body and the Departmental Representative members may report on current events.

6. **Items for discussion, possible action and public hearings**

These are items of substance requiring debate and action by the public body. Discussing the topic usually begins with a presentation by staff of the proposed action followed by discussion before action. If any public body member has a conflict of interest, that member should declare the conflict, refrain from participating in the debate, and not vote on the issue.

7. **Future Agenda Items**

These are topics of discussion for future meetings proposed by the members of the public body or the Departmental Representative.

8. **Adjournment**

The Chairperson adjourns the meeting when all agenda items are complete.

C. **Meeting Conduct**

1. **Seating**

The Mayor or Chairperson shall be seated in the center of the dais, and to their left shall be seated the Vice Mayor or Vice Chairperson. The Mayor or Chairperson as signs Council Member or Board/Commission Member seats.

2. **Quorum**

A meeting may only be conducted if a quorum of members is present. A majority of the members of the public body are considered a quorum. For example, if there are seven public body members, four members must be present to conduct business. Absent special requirements, a majority of the quorum can act. For example, if only four members of your public body are present, three affirmative votes are sufficient to take formal action. Note: from time-to-time state law requires an affirmative vote of three-fourths of the public body to pass a measure. This is otherwise known as a supermajority.

3. **Presiding Officer Selection**

a) **Selection of Mayor/Chairperson**

At the first meeting after the canvass of the general election, or if all Council Members were elected at the primary election, then at the second meeting following the date of the general election, immediately following the roll call, the Council Members shall choose a Mayor from among their members using the following process:

- (1) Each Council Member may nominate up to one Council Member as a candidate for Mayor, and the nominee shall indicate whether they are willing to serve. After all Council

Members nominate a candidate, those who accepted the nomination shall be considered the slate of candidates.

- (2) After that, by roll call vote, each Council Member shall vote for one person on the slate of candidates. The candidate who receives the affirmative vote of at least four Council Members shall be designated as the Mayor.
- (3) If no candidate receives the affirmative vote of at least four Council Members, no Council Member shall be designated as the mayor, and the Council will follow the process again. This process will repeat until a Council Member is selected as Mayor unless more than half the Council Members present vote to end the process and move on to the next item on the agenda. If no Mayor is selected, the current Mayor will continue to serve until a new Mayor is selected using the process above.

The Mayor shall serve at the pleasure of the Town Council. Any Town Council Member may submit a written request to the Town Manager to place the selection of a new mayor on the next meeting agenda.

In each odd-numbered year, the boards, commissions, and committees will select a Chairperson using the process outlined for choosing the Mayor.

b) **Selection of Vice Mayor/Vice Chairperson**

The Vice Mayor is selected immediately following the selection of the Mayor in the same manner as the Mayor.

The Vice Mayor shall serve at the pleasure of the Town Council. Any Town Council Member may submit a written request to the Mayor to place the selection of a new vice mayor on the next meeting agenda.

In each odd-numbered year, the boards, commissions, and committees will select a Vice Chairperson using the process outlined for choosing a mayor.

c) **Temporary Mayor Pro Tempore/Chairperson**

If both the Mayor and the Vice Mayor are absent, the Town Clerk will call the meeting to order, and if a quorum is present, the Town Council will select, by a majority of the members present, a Mayor Pro Tempore to conduct the meeting.

If the Chairperson and the Vice Chairperson are absent, the Departmental Representative will call the meeting to order. If a quorum is present, the public body will select, by a majority of the members present, a Temporary Chairperson to conduct the meeting.

4. **Presiding Officer**

The Mayor shall serve as the Presiding Officer for all Town Council meetings. The Vice Mayor shall serve as the Presiding Officer in the absence of the Mayor. The Mayor Pro Tempore shall serve as the Presiding Officer in the absence of the Mayor and Vice Mayor.

The Chairperson shall be the Presiding Officer for each respective Board, Commission, or Committee. The Vice Chairperson shall serve as the Presiding Officer in the absence of the Chairperson.

5. **Basic Parliamentary Procedure**

The basic parliamentary procedure includes a set of rules that govern the process of conducting meetings and making decisions in formal settings such as legislative bodies, board meetings, and conferences. These rules help to ensure that meetings are conducted in a fair and orderly manner and that all participants have an opportunity to contribute their ideas and opinions.

A meeting can be run effectively and efficiently by following basic parliamentary procedures, allowing members to achieve their objectives in a fair, orderly, and structured manner.

a) **Roll Call**

The department representative or Town Clerk conducts the roll call by calling the names of each public body member, recording them as absent or present, and announcing the presence or absence of a quorum after the roll call.

b) **Discussion and Direction**

Occasionally, staff will seek direction or clarification from the Town Council on interpreting policy or proceeding with approved projects. In these instances, direction to staff via a motion is not required.

c) **Motions**

The most applicable motions are:

- Main motion – a motion to introduce a new item or vote.
- Amended motion – a change to or how to handle a main motion. If an amended motion is seconded, the amended motion must be acted on by the public body before returning to the main motion for action. If the amended Motion is passed, then the main motion is amended and a vote is taken on the newly amended main motion.
- Motion to table – this motion removes the item and prevents further discussion. If the item is to be reconsidered by the public body it will need to be specifically requested at later time.
- Motion to postpone – a motion to delay a vote until a different meeting or until after a specific event.
- Motion to call the question – a motion to vote to end discussion and debate on an item. The chair must recognize the maker of this motion, and another member must second it before the chair asks for a vote to end the discussion. If the motion passes, the chair will immediately move to vote on the matter. **Note:** Interrupting another member who has the floor to “call the question” is not the proper use of this motion.

d) **Voting**

If a formal decision is required from the public body, the usual method of voting is via voice vote in the following manner:

- (1) A member requests recognition from the presiding officer and then states their motion.
- (2) Another public body member seconds the motion.
- (3) The presiding officer seeks further discussion on the item.
- (4) The presiding officer calls for a voice vote, first asking for all those in favor of the motion, then all those against.
- (5) The presiding officer announces the results of the vote.

A presiding officer may, at their discretion, choose to use a roll call method of voting when issues are important, controversial, or the anticipated outcome of the vote may be close. The process for roll call voting is like that of a voice vote:

- (1) A member requests recognition from the presiding officer and then states their motion.
- (2) Another public body member seconds the motion.
- (3) The presiding officer seeks further discussion on the item.
- (4) The presiding officer calls for a roll call vote.
- (5) The clerk or department representative calls a roll of members in random order.
- (6) When each member is called, they say “aye” or “nay.”
- (7) The presiding officer announces the results of the vote.

All public body members in attendance at a duly called meeting that requires formal action are required to vote. Only those members with a documented and approved conflict of interest under state law may abstain. If a conflict of interest exists, the member may not participate in the discussion of the matter and must publicly acknowledge it before the discussion.

If a public body member fails to vote, the vote is automatically counted as an ‘aye’ vote.

If a tie vote on a motion requires a majority for approval, the motion shall be deemed defeated.

Any public body member who voted in the majority of a matter may move for reconsideration of that matter at the same meeting.

e) **Points of Order**

Sometimes, certain situations need attention during a meeting, but a motion is not required. In those instances, it is permissible to state a point. The presiding officer determines all points of order, subject to any public body officer’s appeal to the entire body. This event, followed by a second and a majority vote, will determine the question of order.

The most used points include:

- Point of order – brings attention to a breach of rules, improper procedure, or breach of established practices.
- Point of information – a member may bring up an additional point of information to help members make a fully informed decision.
- Point of inquiry – a member may make a point of inquiry to ask for clarification of a staff report.

- Point of personal privilege – a member may use a point of personal privilege to address the physical comfort of the meeting place or to address the accuracy of a report or another public body member’s conduct.

6. Meetings Open to the Public

All proceedings of the Town Council are open to the public as provided in [A.R.S. § 38-431.01](#), except that the Town Council may meet in a closed executive session as provided in [A.R.S. §38-431.03](#).

7. Meeting Decorum and Order

a) Enforcement of decorum

The Mayor/Chairperson (presiding officer) maintains meeting order and decorum. Therefore, no one is allowed to speak unless recognized by the presiding officer.

b) Council, Board, Committee, and Commission Members

- (1) Members desiring to speak will address the presiding officer and may speak only after recognition by the presiding officer. The presiding officer may not refuse to allow a member to speak; however, the presiding officer may limit repetitive comments.
- (2) The presiding officer determines the speaking order and addresses members when it is their turn to speak.
- (3) While a member is speaking, another member may not interrupt except to make a point of order or point of personal privilege.
- (4) Once a motion is made and seconded, the Presiding Officer will ensure that the discussion is limited to the motion.
- (5) The public body may agree to limit discussion on any topic. With the consensus of a majority of the public body, the presiding officer will announce time limits on any agenda item.

- (6) Public bodies must cultivate a productive working environment free from intimidation, hostility, or other adversity. Respecting and appreciating individuals for who they are essential to create an atmosphere of dignity and respect. Public bodies will not tolerate harassment, personal attacks, or discrimination against one another. Harassment encompasses any verbal, written, or physical behavior that demeans, ridicules, or exhibits hostility or aversion toward an individual. Prohibited behavior included derogatory remarks, slurs, cursing, or negative stereotypes; threats, intimidation, or hostile actions; belittling jokes; and any written or graphic content that demeans or shows hostility or aversion toward an individual or group. Any board, commission, or committee appointee violating this provision will be removed.

Note: Town Council members may only be removed by recall or automatic disqualification from office, including moving outside the Sahuarita Town limits, not performing the duties of the office for three consecutive months, conviction of a felony, or judicial declaration of insanity (A.R.S. §38-291(2)).

- (7) If a member violates these rules, the presiding officer, or any other member, may call that member to order. The member called to order will immediately stop speaking but may appeal to the membership. The appeal will be decided without debate by the members, and if the appeal is granted, the member may continue speaking; if denied, the member must stop talking.

c) **Employees**

Employees of the Town will observe the same rules of order and decorum applied to the members of the Town Council. The Town Manager will ensure that all employees follow the rules of etiquette. The presiding officer will first recognize any employee desiring to address the public body.

d) **Citizens**

Members of the public attending meetings will observe the same rules of order and decorum applicable to the Town Council.

Members of the public are not allowed on the dais.

The presiding officer will not permit disruptive remarks or demonstrations for the audience. Applause, stamping of feet, whistles, boos, yells, signs, and other protests are not allowed. After issuing a verbal warning to the person(s) causing the disturbance, the presiding officer may direct a police officer to remove the person(s) from the meeting. Continued violations may result in the person(s) being banned from future meetings.

(1) **Call to the Public**

Any member of the public may address the presiding body on any item on which the public body may act not listed on the agenda. The presiding officer will recognize speakers and spokespersons during a call to the public. After stating their name and residence, individuals may address the public body for three minutes; spokespersons representing ten or more individuals may speak for ten minutes. Time limits are common practice and are at the discretion of the Presiding Officer. Members of the public may be asked to complete a speaker card to facilitate meeting minutes.

(2) **Agenda Items**

Any member of the public may address the presiding body on any item on the agenda. The presiding officer will recognize speakers and spokespersons during the specified agenda item. After stating their name and residence, individuals may address the public body for three minutes; spokespersons representing ten or more individuals may speak for ten minutes. Time limits are common practice and are at the discretion of the Presiding Officer. Members of the public may be asked to complete a speaker card to facilitate meeting minutes.

(3) **Public Hearing**

Any member of the public may address the presiding body on any item on the agenda scheduled for a public hearing. The presiding officer will recognize speakers and spokespersons

during the public hearing. After stating their name and residence, individuals may address the public body for three minutes; spokespersons representing ten or more individuals may speak for ten minutes. Time limits are common practice and are at the discretion of the Presiding Officer. Members of the public may be asked to complete a speaker card to facilitate meeting minutes.

(4) **Live streaming, recording, and photography**

Unless disruptive, live streaming, audio/video recording, and photography are allowed during the meeting.

(5) **Outside presentations**

Due to cybersecurity risks and an effort to protect the Town's networks, audio and video presentations from the general public will not be allowed to be run from the Chamber's audio/visual equipment.

This is not meant to impede the ability of stakeholders or appellants conducting business with the Town or vice versa to adequately present material to the Town Council. From time to time, stakeholders and appellants conducting business with or within the Town will present audio/video presentations to the Town Council.

Information may be delivered to the Town Council by the following methods:

(a) Email information (slide shows, pictures, comments) directly to TownCouncil@sahuaritaaz.gov.

(b) Deliver (mail or in-person) a DVD or thumb drive addressed to the Town Council containing the material to the Town Clerk, 375 W Sahuarita Center, Sahuarita, AZ, 85629.

(6) **Political campaigning and signs**

Town Hall and the Council Chambers are limited public forums. No political campaigning is allowed. Signs, banners, or similar items are not allowed.

8. Meeting Recess

The Presiding Officer may recess a public meeting at any time. A recess is usually a short break lasting from 5-10 minutes. The best practice is to recess a meeting every two hours to provide a break from the meeting proceedings to refresh and reenergize public body members.

B. Meeting Minutes

1. Records

The official record of each public body meeting contains any legal actions adopted or approved by the public body (meeting audio or video or legal action report), including any attachments or exhibits (meeting packet), and the final approved minutes of the meeting. The record also includes any documents submitted to the public body by persons addressing the public body in conjunction with agenda items during the meeting, including calls to the public. These records are permanent and will be maintained in accordance with the standards and guidelines outlined by the Arizona State Library, Archives, and Records division of the Arizona Secretary of State.

2. Minutes

Minutes must be prepared for each meeting of the public body regardless of the meeting type. For meetings other than executive sessions, the minutes are required to include the following:

- The date, time, and place of the meeting.
- The public body members are recorded as either present or absent.
- A general description of the matters considered.
- An accurate description of all legal actions proposed, discussed, or taken and the names of members who offer each motion. The minutes also must include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

Minutes of the executive session must include the information specified in items in the first three bullets above, an accurate description of all instructions given when the executive session is held to instruct the Town Attorney on contracts that are the subject of negotiations, on pending or contemplated litigation or in settlement discussions conducted to avoid or resolve negotiations, to instruct representatives of the public body who are designated to negotiate with public employee unions or employee organi-

zations or to instruct its representatives on the purchase or sale of a property, or for discussion or consultations to discuss security plans, procedures, assessments, measures, or systems relating to, or impacting, the security of buildings, facilities, operations, critical infrastructure information, and information technology maintained by the public body.

Minutes of executive sessions are confidential.

The minutes (draft) or a meeting recording must be available for public inspection on the Town website three working days after the meeting. In addition, the approved minutes must be posted on the website within two working days following approval.

VII. Community Representation

A. Community

Public body members are entrusted to make decisions that are in the community's best interests using public involvement techniques designed to engage the public in the governmental decision-making process.

There are many reasons why public involvement is essential:

1. The people affected by a public decision should be given accurate information regarding the decision, have a voice in that decision, and can help determine how the decision will be implemented.
2. If people are involved in policymaking, they will have a vested interest in the outcome. As a result, they will find ways to improve the quality of the decisions, actively support the final policies, and usually suggest methods to enhance policies' implementation.
3. If people have been given complete information and their voices have been heard, they will recognize the process as open and fair.

B. Media

The Mayor, Town Manager, or Public Information Officer is the official spokesperson for the Town. Therefore, any public body member contacted by a media member should refer them to the Public Information Officer for a response from the Town. If the media approach an individual public body member, and an answer is provided, the public body member should be clear that their comments are personal opinions.

This policy is intended to help Officials respond to media inquiries and to enhance the Town's ability to provide accurate, consistent, and timely information to the media. It is not intended to direct, influence, or impact the public body's or individual Officials' ability to exercise free speech activities, nor does it prohibit discussing issues under consideration by the public body with the media.

VIII. Boards, Committees, and Commissions

A. Creation

The Town Council has the authority to create standing and special boards, committees, or commissions deemed necessary to assist Town government operations. Generally, these public bodies act in an advisory capacity to the Town Council. However, specific boards are mandated by state law. Therefore, these boards tend to be quasi-judicial in nature.

The Town Manager and department heads, with the permission of the Town Manager, may create advisory committees to provide guidance and make recommendations within the purview of the appointing official. Please note that these committees are not subject to Open Meeting Law.

B. Selection of Members

Each Council Member nominates one person to serve on boards, committees, and commissions based on a randomly generated rotation list. As new public bodies are created, vacancies occur on each board due to resignations, and terms expire, Council members have 45 days to submit a nominee to the Town Clerk before deferring their nomination to the next Council Member on the list. The Town Council approves or disapproves the nominee. If the Town Council does not endorse the nominee, the Town Council member who is next on the list will nominate another person to the vacancy.

C. Member Qualifications

Specific qualifications to serve on standing boards, committees, and commissions are unique to each public body. Generally, board members must be town residents, at least eighteen years of age, unless appointed to a youth delegation, and not employed by the town.

D. Terms, Vacancies, Removal

Generally, members of standing boards, committees, and commissions are appointed to staggered four-year terms.

Vacancies on standing boards, committees, and commissions are filled by the same process used to select members. However, the member chosen to fill the vacancy will complete the vacating member's unexpired term.

Members of standing boards, committees, and commissions serve at the pleasure of the Town Council and may be removed at any time by a majority vote of the council.

Members of standing boards, committees, and commissions shall continue to serve until their successor is administered the oath of office unless the member resigned or was removed by the council.

If a member of a board, committee, or commission is absent from four consecutive meetings or more than 40% of the scheduled meetings during a calendar year without the permission of the chair, the member will be removed from the public body.

E. **Applicability of laws**

All members of standing boards, committees, and commissions are subject to the Arizona Open Meeting Law, Town Council, Boards, Commissions, and Committees Rules and Procedures, and the Code of Ethics adopted by the Town Council.

IX. Code of Ethics

The Code of Ethics aims to set forth standards that ensure that persons in government service shall uphold and be conscious that the public office is a public trust.

A. Public Trust – Breach of Fiduciary Duty

Officials hold their positions as a public trust, and residents have the right to expect that all officials will place their loyalty to the United States and Arizona Constitution, Town Code, state and federal laws, and ethical principles above private interests. An official shall not use public office for personal gain. Officials shall act impartially and not give preferential treatment to any private organization or individual. Officials will work in a way that the public will have confidence in the integrity of its government.

B. Confidentiality

1. An Official shall not knowingly disclose information which they know or reasonably should know is confidential, regardless of the source of information, unless compelled to do so by operation of law. If an issue arises regarding whether an item is confidential, the Town Attorney shall be requested to furnish a legal opinion on the subject.
2. An Official shall not knowingly use or disclose any information gained during or because of their official position and which has not been made public to advance their financial interests or to further the economic interests of any family member.
3. No Official shall communicate information concerning a matter subject to or pending litigation in which the Town is a party, which could reasonably be interpreted as an admission of liability on behalf of the Town or which a reasonable person would interpret as being prejudicial to the interests of the Town in the subject matter without prior authorization of the Town Attorney unless compelled by legal authority.
4. Information discussed or to be addressed in an executive session is confidential. It must remain confidential and is not to be discussed outside the executive session except during and after deliberating the subject matter in an open public meeting.
5. Confidentiality requirements extend to Officials following their term of office. A.R.S. § 38-504(B) stipulates that for two years following the end of the term, public body members are prohibited from disclosing or using, without appropriate authorization, any information acquired in their official duties designated as confidential or information made confidential by statute or rule. Additionally, public body members are prohibited from disclosing or

using for-profit information defined as confidential unless authorized by law or regulation.

C. **Improper Use for Personal Gain**

1. No public body members shall use or attempt to use the public body member's position to secure any valuable thing or valuable benefit for the public body members that would not ordinarily accrue to the public body member in the performance of their official duties if the item or benefit is of such character as to manifest a substantial and improper influence on the public body member concerning such person's duties.
2. No public body member or relative of a public body member shall solicit, accept, or agree to accept any benefit upon an agreement or understanding that the public body member's vote, opinion, judgment, exercise of discretion, or other action as a public body member may thereby be influenced.
3. No public body member shall, during the term for which they have been elected or appointed, knowingly accept, or receive for their use from the Town any money or other thing of value other than that which is provided to be paid him for his services as such. A person who violates any provision of this section is guilty of a petty offense, and his office shall be forfeited pursuant to A.R.S. § 9-304.
4. No current or former public body member shall use or disclose information gained during, or because of, their official position or activities if the information is not public or the public body member has not been authorized to communicate it to the public. This provision shall not:
 - a) Prohibit the disclosure of any such information to other public body members whose duties the information may be pertinent; or
 - b) Prevent any public body member from reporting violations of these Rules or other illegal acts to the proper authorities; or
 - c) Prohibit the disclosure of any such information, the disclosure of which is required by law.
5. To the extent a public body member acquires or holds an interest in any business or undertaking which the official has reason to believe may directly and substantially affect the public body member's economic benefit by official action of the Town, such member shall disclose the interest, declare a conflict of interest, and recuse themselves from participation and voting on the matter.

6. No public body member shall knowingly obtain or seek property or services using a threat to take or withhold action as a public body member or cause a public body member to take or withhold action.

D. **Council, Board, Committee, & Commission Member Relations**

In all official matters, public body members (members) shall conduct themselves so as not to bring disrespect or disrepute to the office held or to the Town. During sessions or meetings for the public body, members shall treat their fellow officials, the public, and town employees with respect. Members shall refrain from personal attacks on the public, Town Council, Town Staff, and their fellow members and shall not attack the motives of their fellow members.

1. No member shall act or create the appearance of acting or speaking on behalf of the Town by making a policy statement or by promising to authorize or prevent future official action of any nature when the member is not authorized by the body of the Council to make such a statement.
2. No member shall falsely represent their opinion as the Town's official position. For example, if a member appears before another governmental agency or organization to make a statement on an issue, the member must clearly state that their comment reflects a personal opinion and not the official stance of the Town. Note: The Town Council will discuss and adopt a legislative agenda for the upcoming federal and state legislative cycles in the fall prior to the beginning of each legislative session. The legislative agenda will be used by Town staff to lobby on behalf of the Town Council on issues identified and agreed upon by the elected officials.
3. All members have a fiduciary duty to use Town resources in a manner that advances the public interest and to refrain from using Town resources for their benefit; therefore, members are prohibited from using Town resources in any way that violates any applicable law or policy and are expressly prohibited from using any Town resource to obtain any personal benefit.
4. No member shall use their official authority or position to influence an election, including the use of Town resources to influence an election pursuant to A.R.S. § 9-500.14 or interfere with or affect the results of any election, nor to solicit or receive contributions from Town employees or in connection with any Town election.
5. No member shall suppress any public document, record, report, or any other public information available to the general public by law. Each member is legally required to carefully secure, protect, and preserve public records from deterioration, mutilation, loss, or destruction until properly disposed of pursuant to A.R.S. §§ 41-151.15 and 41.151.19.

6. No member shall have conversations or voice an opinion regarding a quasi-judicial matter that is pending before the public body except during a noticed meeting or hearing on the matter specified for the purpose of hearing or deciding the matter. These types of contact are known as ex-parte contact. Ex-parte contact in the form of correspondence should be disclosed to the Town Manager, Town Clerk, or Town Attorney to be disclosed and made part of the official record in the matter.
7. No member shall participate using approval, deliberation, disapproval, recommendation, or other means of exerting the member's influence in an official action to hire, promote, discipline, lay off, or take any other personnel action regarding any employee or prospective employee who is a relative of the member.
8. A member of a public body that is empowered to vote on the matter shall recuse him or herself from participating in any public body discussion, deliberation, or decision of any contract, the making of loans or grants of public funds, the granting of subsidies, fixing of rates, issuance of permits or certificates, or other regulation, supervision or profit-making activity relating to any business with which the member is associated, or any business with which any relative of the member is associated.
9. When a member has been offered or is discussing future employment with a business that is presently dealing with the Town concerning matters within the applicable public body's authority, that member should disclose such possible future employment to the Town Attorney to obtain a legal opinion as to whether a potential conflict of interest exists and whether the member should recuse him or herself from discussion, deliberation, and decision on the matter before their public body.
10. No member having a personal interest in a matter shall represent themselves or any other person before the public body in connection with that matter, nor in connection with any matter in which a relative has a personal interest, except in cases where a legal right to self-representation exists by a law other than this Policy.
11. No member shall represent a person for compensation before the public body of which they are a member.

E. **Conflicts of Interest**

1. The purpose of conflict-of-interest laws is to prevent self-dealing by members and to remove or limit any improper influence that might bear on an Official's decision. This section is governed by A.R.S. §§ 38-501 – 38-511.
2. Public body members shall comply with Arizona's conflict-of-interest laws. If an Official is unsure they have a conflict of interest on a matter before the

public body, the Town Attorney should be contacted. Requests related to conflicts of interest are confidential; however, the Town Attorney's official opinions are required by law to be a public record.

3. A conflict of interest occurs when a public body member or a relative of the Appointed Official has a substantial interest (pecuniary or proprietary) in a matter that may come before the public body during the public body member's term of office. An interest is not substantial if it is a remote interest under A.R.S. § 38-502(10). Public body members must become aware of the interests of relatives in matters in which the public body member may become involved. "Relative" is defined under A.R.S. § 38-502(9) 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."
4. No public body members shall supply to the Town, directly or indirectly, any equipment, material, supplies, or services unless pursuant to an award or contract after using competitive bidding procedures.
5. A public body member with a conflict of interest shall withdraw from participation in the matter, not communicate about the issue with anyone involved in the decision-making process, and not attempt to influence another public body member to determine the matter to avoid a violation of A.R.S. § 38-503. To prevent the appearance of impropriety, a public body member who has declared a conflict of interest or a potential conflict of interest in any matter shall leave their regular seat as a member of the public body and not return to it until deliberation and action on the issue is completed.

F. **How to Declare a Potential Conflict of Interest**

If a public body member believes that a conflict of interest exists, then they should disclose that information as soon as possible to the Town Attorney, Town Manager, or Town Clerk. The Town Attorney will analyze the situation and determine if a conflict of interest exists. Once a conflict of interest is declared, the public body member may not participate in any manner in that matter.

Declaring a conflict and not participating should be recognized as a necessary part of preserving public trust. Conflicts should be declared to avoid any appearance of impropriety.

Any public body member who believes that any other public body member has a conflict of interest in any agenda item before a public body shall provide relevant information or materials to the Town Attorney, Town Manager, or Town Clerk. This information and materials will be shared with the public body member alleged to have a conflict of interest, the other public body members, the Town Manager, Town Attorney, and the Town Clerk.

G. Gift Clause

1. It shall be a violation for any public body member to knowingly ask or receive any emolument, gratuity, reward, or any promise thereof, except those authorized by law, for doing an official act.
2. It shall be a violation for any public body member to solicit, receive or accept a gift, favors, or economic benefit from anyone who attempts to influence the passage or defeat any pending or proposed matters and are subject to formal approval by the public body. "Gift" includes a payment, distribution, expenditure, advance, deposit, or donation of money, any intangible personal property, or tangible personal or real property.
3. Subject to A.R.S. § 41-1231(9), "Gift" means a payment, distribution, expenditure, advance, deposit, or donation of money, any intangible personal property, or any tangible personal or real property. For this article, a gift does not include the following:
 - a) A gift, devise, or inheritance from an individual's spouse, child, parent, grandparent, grandchild, brother, sister, parent-in-law, brother-in-law, sister-in-law, nephew, niece, aunt, uncle or first cousin or the spouse of any such individual if the donor is not acting as the agent or intermediary for someone other than a person covered by this subdivision.
 - b) Expenditures that are exempt from reporting under this chapter for:
 - (1) A speaking engagement.
 - (2) Food or beverages.
 - (3) Travel and lodging.
 - (4) Flowers.
 - c) Salary, compensation, or employer-reimbursed expenses lawfully paid to a public official.
 - d) The value, cost, or price of professional or consulting services that are not rendered to obtain a benefit for any registered principal, public body, lobbyist, designated public lobbyist or authorized public lobbyist, or the clients of a principal or lobbyist.
 - e) Expenses relating to a special event or function to which all public body members are invited.

- f) A plaque or other form of recognition, like a plaque to an officer or employee, to signify the honorary recognition of a service or other notable accomplishment.
- g) Informational material such as books, reports, pamphlets, calendars, or periodicals.
- h) An item that is not used and returned within fifteen days of receipt to the donor or delivered within fifteen days of receipt to a charitable organization and that is not claimed as a charitable contribution for state or federal income tax purposes.
- i) A campaign contribution that is appropriately received and reported as required by law.
- j) An item given to an officer or employee if the officer or employee gives an item of approximately the same value to the giver while the item is given or on a similar occasion as the one that prompted the original item to be given.
- k) Gifts of a personal nature that an individual customarily received from the donor before becoming an officer or employee.
- l) An item given to the general public at an event.

H. **Ex-Parte Contact**

Ex-parte contact occurs when a public body member in a quasi-judicial proceeding communicates, directly or indirectly, with any person or party in connection with a matter before the public body for decision, absent of notice and opportunity for all parties to participate. The term ex-parte means “one-sided.” When a public body member is required to act in a quasi-judicial capacity for a governmental function, they must take reasonable precautions to avoid any inappropriate ex-parte communication with parties in interest or their representatives and to refrain from any activity that may give the appearance of such communication. Any public body member may request an opinion from the Town Attorney about any ex-parte communication received on a matter that may become the subject of a quasi-judicial proceeding in which they will act. If a public body member receives ex-parte communication about a matter before the public body for quasi-judicial action, they must disclose the communication at the hearing. After disclosure, they may participate in the hearing and vote on any motion unless a majority of the public body believes that the communication will prevent them from participating and voting fairly. If the majority of the public body decides that the ex-parte communication may prevent a member from voting unbiasedly, they should [recuse](#) themselves and not take part in the discussion or voting in the proceeding.

I. Proclamations

Proclamations are official, non-contractual documents the Mayor signs to recognize significant or special community events. The Mayor may authorize proclamations meeting the following guidelines:

- All proclamation requests must be submitted at least 14 days before delivery to allow for approval and final document production.
- Proclamations should reflect inclusiveness, not exclusiveness, and recognize that the strength of our democracy is our diversity. Therefore, it must not take sides in political, ideological, or religious controversy or individual convictions.
- The Mayor may issue more than one proclamation for the same date.
- Proclamations will not be automatically renewed. Requests must be made on an annual basis.

The Mayor or their designee reserves the right to approve or decline the production of a proclamation request and to edit any drafted material for final wording.

X. Laws, Regulations, Policy, and Procedures

A. Arizona Open Meeting Law

1. Open Meeting Law Tenets

Public participation and oversight are fundamental tenets of our government. The Arizona Open Meeting Law ([A.R.S. §§ 38-431](#) et seq., as amended) statutorily mandates this tenet in Arizona. More information about Arizona's Open Meeting Law is found in Chapter 7 of the [Arizona Agency Handbook](#) published by the Arizona Attorney General.

2. Special Events

a) Courtesy Quorum Notices

The Town Clerk's office posts courtesy quorum notices when a quorum of Town Council members and other board or commission members may be present at a public community or regional event. No official town business will be conducted during special events.

b) Tours & Field Trips

Tours and field trips offered to public bodies are limited to the first three members to respond to invitations. If demand exceeds this capacity, additional tours may be requested but not guaranteed.

B. Sahuarita Town Code

The Sahuarita Town Code is a collection of laws and regulations (ordinances) adopted by the Town Council to govern the Town of Sahuarita. The code includes laws related to areas of municipal governance, including administration, building codes, zoning, public health and safety, taxes, and infrastructure. Its purpose is to provide a comprehensive set of guidelines to ensure the town operates smoothly and the needs of the residents are met. A copy of the [Town Code](#) is available online.

XI. Reference

- A. [Arizona Open Meetings Law \(A.R.S. § 38-431 et. seq., as amended\)](#)
- B. [Arizona Ombudsman Open Meeting Law Booklet](#)
- C. [Arizona Agency Handbook \(Chapter 7, Open Meetings\)](#)
- D. [Town Code](#)
- E. [Roberts Rules of Order, as amended](#)

Revision History

Date	Description
10/23/2023	Adoption of inaugural policy – Resolution No. 2023-0758
01/27/2025	Adoption of Resolution No. 2025-0813: 1) VI. B. Removed “Call to the public” (Board and Commissions); 2) VI. C. 7 (6) Clarified interactions and defined harassment; 3) X.2. added Special Events

