

CITY OF TUCSON

BOARD, COMMITTEE, AND COMMISSION

MEMBER HANDBOOK

.....

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WELCOME TO THE CITY OF TUCSON TEAM!

Thank you for volunteering to join a City of Tucson board, committee, or commission – collectively referred to as “BCCs.” While the titles and missions of these groups vary, all of them deal with important topics that impact the direction and operations of the City. As an appointee to one of these bodies, you will have a unique opportunity to be a direct and active participant in your government by putting your expertise to work for the public good.

This handbook has been written to give you the background knowledge you will need to make your participation as productive as possible. You will find an introduction to the structure of Tucson city government; an overview of the basic structure and functions of BCCs; an account of the ethical and legal requirements that will bind you as an appointee; suggestions for running effective meetings and making your group’s input to Mayor and Council meaningful; a template for your mandatory annual report; and a quick guide to Arizona’s Open Meeting Law.

Most of the information contained in the manual will apply to your BCC; however, some groups may have additional or unique requirements specific to their function. If you are unsure whether or not a specific rule applies to your BCC, or if you have further questions concerning any aspect of your duties and responsibilities, please ask the chairperson of your BCC, your staff liaison, or the City Clerk's Office for clarification.

Thank you so much for your service to the City and its residents. We are proud and honored to welcome you to the City of Tucson team!

OVERVIEW OF TUCSON MUNICIPAL GOVERNMENT

Tucson was first incorporated as a city on Feb. 7, 1877 and became a charter city on March 7, 1883. The City of Tucson’s Charter, which was ratified in 1929, established our system of local government.

Important Documents

The City’s General Ordinances contain our local laws, while Chapter 23B of the Tucson code – also referred to as the Unified Development Code – regulates land use in the city. Plan Tucson, the city’s voter-ratified general plan, articulates the city’s priorities and goals in the social, economic, natural environmental, and built environmental contexts. As a member of a task force, board, committee, or commission, you may need to develop working familiarity with one or more of these documents.

City Charter

<https://tinyurl.com/y8vf5pjo>

Unified Development Code

<https://tinyurl.com/y7okrdu6>

Tucson Code

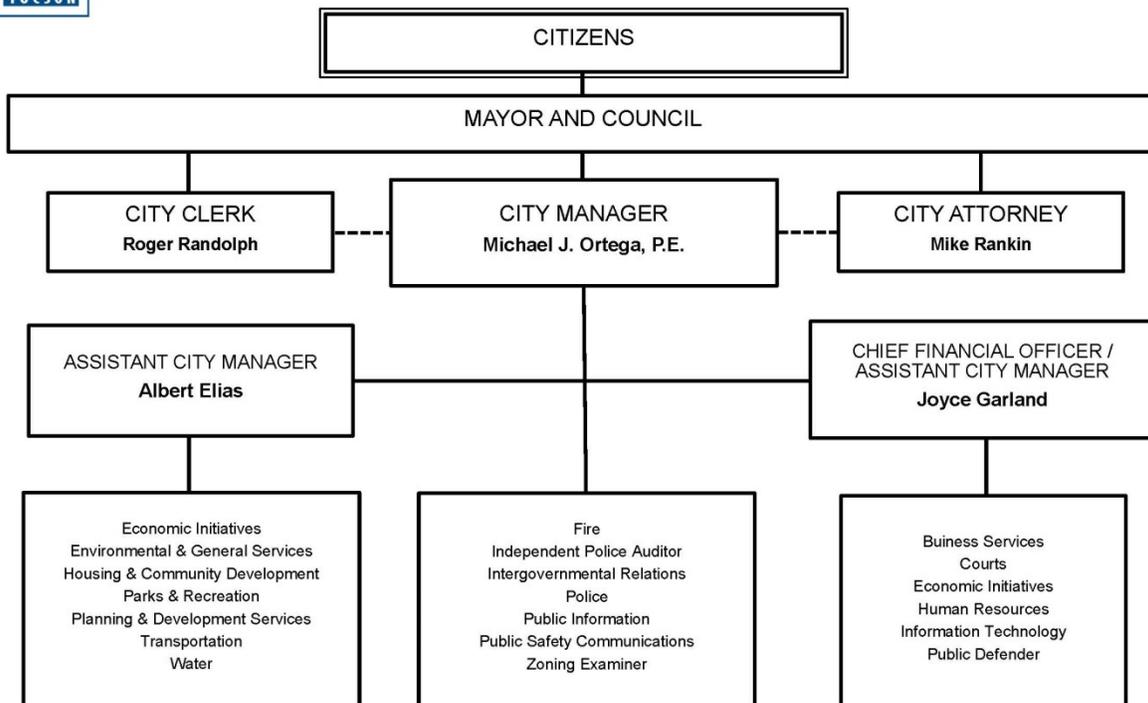
<https://tinyurl.com/ybtjq7w3>

Plan Tucson

<https://www.tucsonaz.gov/pdsd/plan-tucson>



CITY OF TUCSON ORGANIZATIONAL CHART



Updated: February 2018

Organization

City Council

The City Council consists of a mayor and six council members who serve as the legislative body of the city. Council members are nominated by ward and elected at large for staggered, four-year terms. The Mayor is elected every four years and serves as chairperson of the Council. The Council periodically selects a vice mayor from among its members to serve as chairperson in the Mayor's absence.

Consistent with applicable laws and regulations enacted by the federal and state governments, the City Council bears sole responsibility for establishing policies to govern the operation of the City of Tucson. The City Council enacts local legislation, adopts budgets, levies taxes, determines policies, and appoints certain city officials. Our voter-approved general plan, recommendations from the City Manager and city staff, input from BCCs, and public feedback all inform these decisions.

The Mayor and Council typically meet twice each month in the fall, winter, and spring, and once monthly throughout the summer. Usually, meetings begin in the afternoon with a Study Session, where the Mayor and Council Members discuss items and provide direction to the City Manager. This is followed by a Regular Meeting, typically beginning at 5:30 p.m., during which the Mayor and Council formally vote on items, conduct public hearings, and adopt policies. With few exceptions, **the deliberations and decisions of the Mayor and Council will be important for you as a BCC member.** Their agendas and meeting materials are available to the public, and we advise you to make a habit of reviewing them: <https://www.tucsonaz.gov/clerks/mcdocs>.

City Manager

The City Manager is appointed by the Mayor and Council and serves as the administrative head of the city. Subject to the control of the Mayor and Council, the City Manager implements the policies established by Mayor and Council, supervises and directs the administrative operation of the city, supervises the activities of most city employees, appoints most department heads, and oversees the enforcement of the city's ordinances.

Council-Manager Relationship

The elected officials of the City, through their participation on the Mayor and Council, establish the policies of the city, while the City Manager, through administrative functions, carries out those policies. The elected officials and their appointed staff may make inquiries to city staff under the supervision of the Manager for the purpose of sharing or acquiring information. However, the elected officials and their staff cannot direct city employees to perform work outside of the usual and normal scope of their duties, or assign them with tasks that divert the allocation of city resources. **This relationship also holds for BCC members.**

Although BCCs do not have the authority to direct their city staff liaisons' work, many BCCs form a close, productive working relationship with this individual. Get to know your staff liaison when you are

appointed, and don't be afraid to ask questions. If you need information from a staff member or a city department, the City's Code of Ethics suggests that you work through your staff liaison to get it.

City Attorney

The City Attorney is appointed by the Mayor and Council. 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 and certain civil 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 Mayor and Council. The Clerk is responsible for providing accurate, accessible, and timely legislative information to the Mayor and Council, city staff, and the public. The primary function of the office is to provide administrative, clerical, and logistical support to the Mayor and Council; coordinate and administer records management throughout the city; conduct regular and special municipal elections in conformance with federal, state, and city laws and procedures; and administer the City of Tucson Campaign Finance Program.

The City Clerk also administers the BCC system, maintaining membership rosters for each BCC, processing appointments, and overseeing Open Meeting Law compliance for each of these public bodies. **Any time your contact information changes, please remember to provide it to the Clerk's Office as soon as possible so that your record is accurate.**

City Departments

In addition to the Offices of the Mayor, Council, City Manager, City Attorney, City Clerk, City Court, and Public Defender, the primary city departments are: Environmental and General Services, Business Services Department (combining Finance, Human Resources and Procurement), Housing and Community Development, Information Technology, Parks and Recreation, Planning and Development Services, Transportation, Fire, Police, and Water. **You will likely find that your BCC works very closely with at least one city department, if not more.**

Boards, Committees, and Commissions (BCCs)

The City Charter gives the Mayor and Council the authority to establish boards, committees, and commissions and establish their powers, duties, methods of appointment and removal, membership qualifications, and terms of office by resolution or ordinance. The strength of the BCC system is its ability to bring expertise and local information from the community to bear on the policies and operations of city government.

BCC MEMBERSHIP: THE BASICS

Fundamentally, the BCC system's strength lies in its ability to bring expertise and local information from the community to bear on the policies and operations of city government. Appointees render a vital service to the city and its residents when they review specific issues in detail and ensure public vetting according to each BCC's specified role and responsibilities set forth by Mayor and Council. These BCC basics will help get you started as you begin your work.

Structure and Function

The Datapage

Each BCC was established by an ordinance or resolution passed by the Mayor and Council. The City Clerk's Office has condensed that information for you into a document called a datapage. Find yours on the Clerk's website (<https://www.tucsonaz.gov/clerks/boards>) by selecting your BCC's link.

Your datapage will list the number of members authorized for your BCC, give an explanation of how they are appointed, and note any special qualifications required for membership. You'll see how many members are required for a quorum, member term length and limits, and a statement of whether members can serve on more than one BCC at a time. If the BCC on which you serve is not a standing body, you will also find its sunset date.

Most importantly, the datapage articulates your BCC's mission and functions. These are the tasks, undertakings, and duties that the Mayor and Council have assigned to you. Unless otherwise provided for in state or federal law, you must return to the Mayor and Council or your city staff liaison for direction or endorsement before your BCC pursues work outside of these areas.

Types of BCCs

BCCs typically fall into one of three broad categories: advisory, quasi-judicial, or legally mandated.

Most BCCs are advisory, either to the Mayor and Council or to the Mayor and Council and one or more city departments, as enumerated in the BCC's enabling legislation. As an advisory body, you may be asked to generate information for the city, help the city disseminate information to the public, provide feedback to staff members on particular projects, or confer and coordinate with stakeholders and groups in the community.

Please keep in mind that only the Mayor and Council – or a person acting pursuant to the direction of Mayor and Council – may issue written or verbal communications representing an official position of the city. Check in with the Mayor and Council or your staff liaison before your BCC makes official requests of external entities on behalf of the City, or takes official positions on matters outside of the City's direct jurisdiction on behalf of the organization. Be advised that, like the rest of the city organization, BCCs are not permitted to take positions on ballot measures, bond questions, or initiatives.

The Arizona Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public

agency and to make decisions in the general manner of a court regarding such disputed claims.” In Tucson, these include bodies like our Board of Adjustments and Water Service Area Review Board. Proceedings conducted by quasi-judicial bodies are subject to all of the requirements of the Open Meeting Law, and they may also be subject to a number of additional due process requirements. These can include bans on ex-parte communication, or requirements to allow individuals to present their cases through witnesses, cross-examination, and argument. If you serve on a quasi-judicial BCC, talk to your city staff liaison to make sure that you understand the duties and restrictions associated with your position.

A final, small group of BCCs are legally mandated, often by provision in state law. The Tucson Fire Public Safety Personnel Retirement System Board, for example, was specifically created by Title 38 of the Arizona Revised Statutes and tasked with the administration the city’s pension system for Fire employees.

Terms and Attendance

Each BCC’s enabling ordinance or resolution establishes the rules governing its members’ term lengths and limits, methods of appointment, and in some cases, attendance requirements. However, a few guidelines are accurate for most BCCs.

Terms

Most appointees serve a four year term, and many are eligible to be renewed for a second. A limit of eight years of continuous service is the typical maximum. These numbers vary across BCCs, so make sure to check your datapage for the specifics which pertain to your position.

The terms of personal appointees of the Mayor and Council usually begin and end at the same time as their elected officials’ terms. The details of other appointees’ terms – for instance, individuals selected by the City Manager or appointed by the Mayor and Council at large – can vary more widely.

Most BCC appointees are not allowed to serve on more than two (2) bodies at a time. Check your BCC’s datapage to find out if you are exempt from [Section 10A-134\(c\) of the City Code](#), which establishes this restriction.

Attendance

In order for a BCC to be effective, member attendance and participation are crucial. If a City of Tucson appointee to a BCC misses **four consecutive meetings** or fails to attend at least **forty percent** of the BCC’s meetings in a given calendar year, the member will be automatically removed from the body by the City Clerk’s Office and notified of the removal by mail.

Rules of Conduct

“Public trust is largely built upon the perceptions that citizens have regarding their Mayor and Council members, City employees, and members of City BCCs. Accordingly, it is imperative to foster the highest standards of personal integrity and honesty in discharging all public duties.”

- City of Tucson Code of Ethics

In 2013, the Mayor and Council passed an ordinance to adopt a Code of Ethics for the City of Tucson. It applies to elected officials, city employees, and BCC members.

A few highlights are covered below. **However, before you begin working with your BCC, you must review the document in full:** https://www.tucsonaz.gov/files/clerks/Code_of_Ethics.pdf.

Code of Ethics Summary

1. You must conduct your duties as a BCC member in accordance with all laws.
2. You must disclose conflicts of interest and take appropriate action when a conflict of interest arises.

Be on the lookout for things that could be perceived by onlookers as conflicts of interest, in addition to actual conflicts. If you have a material financial interest in a matter, or if you have a duty, responsibility, or personal relationship that could give the appearance of a conflict of interest, you must 1) make the conflict or potential conflict known (this must be done in writing and filed with the City Clerk), and 2) refrain from participating in or voting on the relevant item.

3. In accordance with State law, if confidential information is shared with you in the course of your service as a BCC member, you may not disclose it.
4. You must remain impartial, even if you were selected to represent a particular viewpoint or community interest.

Some BCCs appointees are intentionally selected for their personal knowledge of or access to the interests and opinions of a group in the community. Whether you are a landscape architect, neighborhood representative, astronomer, local business owner, or bus rider, you must balance the viewpoints of your particular group with the considerations of others. No BCC member is appointed to be an advocate for a single position. You must bring your expertise or unique personal experience to bear in a way that allows you to still consider every matter evenhandedly.

4. You cannot accept gifts, services, favors, or anything of value in exchange for services rendered as a BCC member.
5. The city does not tolerate discrimination or harassment against anyone on the basis of race, color, religion, ancestry, sex, age, disability, national origin, sexual orientation, gender identity, familial status, or marital status.

6. You must respect the lines of authority built into Tucson's Council-Manager form of government. In particular, BCCs need to work through their city staff liaisons. They do not have the authority to give city staff or contractors employed by the city orders or direction.

7. You must comply with all of the provisions of Arizona's Open Meeting Law, which is covered in more detail later in this handbook.

Communicating with the Mayor and Council

As described above, most BCCs are advisory to the Mayor and Council. Good advisors communicate well with their appointers. Consider the strategies below as you pursue your work.

Be aware: *if you serve on a quasi-judicial body, you may be legally prohibited from communicating with members of the Mayor and Council! If you are unsure of your BCC's status, please check with your staff liaison or the City Clerk.*

Work with your appointer

Most BCC members are appointed by the Mayor and Council. Get to know your appointer, and ask early on how she or he would like to communicate with you about your BCC's work. Taking advantage of this relationship helps many BCCs keep productive channels for information and idea exchange open. If in the course of your work you find your BCC in need of formal action from the governing body on an item, remember that all six council members and the mayor have the ability to introduce topics to their meeting agendas for consideration.

Read the Mayor and Council's agendas

As mentioned above, all of the Mayor and Council's agendas and meeting materials are [publicly available online](#). Follow along to identify items that fall within your BCC's purview.

Letters, white papers, and reports

Many BCCs choose to share information and make recommendations to the Mayor and Council in writing, often via letter, email, or report. The written medium can be highly efficient for conveying information, but it can also become a source of frustration for BCCs if it is relied upon as their sole method of communication. As you craft your messages to the governing body, consider whether they clearly include actionable requests and suggestions. A council member may read a letter and appreciate the excellent information contained therein, but unless an action step or a desired response is specified and followed up upon, they may not automatically send back a response.

Annual report presentation

Most BCCs are required to produce an annual report for the Mayor and Council, which will be described at length in the next section of this handbook. In addition to the written portion of that requirement, the City Clerk will schedule a five-minute slot on a Mayor and Council agenda for BCC to present your

progress and plans. Take advantage of this opportunity to share your accomplishments, seek direction, propose ideas, and dialogue with all seven members of the governing body at once.

Check in with other BCCs

Have you met your colleagues on other BCCs? With over 50 groups at work for the City, a wide range of strategies have been developed for communicating with the city's staff and elected officials. You may find it worthwhile to identify other groups that work on topics complementary to your own and reach out to their members to exchange experiences and ideas – or even collaborate on projects.

Find the full list of City of Tucson BCCs here: <https://www.tucsonaz.gov/clerks/boards>.

Running Effective Meetings

With a lot to do and limited face-to-face meeting time, running effective meetings and using the time you have in between meetings well are important arts for BCCs to master.

The chairperson of each BCC is responsible for providing the structure needed to make this happen. Online resources can be a big help. Two such resources are on the City Clerk's website listed above. They are "Sample script for Chairperson" and "Sample ground rules".

Mayor and Council have adopted Robert's Rules of Order as their source of Parliamentary Procedure and by extension this applies to BCCs as long as they are not in conflict with superior rules.

The order of precedence in determining parliamentary procedure is:

1. Constitution of Arizona
2. City Charter
3. Arizona Revised Statutes
4. City Code
5. Rules of the Mayor and Council
6. Robert's Rules of Order

THE ANNUAL REPORT

Each year, every advisory BCC must complete an annual report to document its achievements over the past 12 months. (Quasi-judicial and legally mandated BCCs are excused from this requirement.) After you submit your report to the City Clerk, it will be provided to the Mayor and Council and eventually placed on a Mayor and Council meeting agenda for discussion.

Purpose

The report is designed to help the Mayor and Council understand what you have accomplished and where you might be struggling.

You are encouraged to treat the annual report as an opportunity for reflection and self-assessment. What went well? What would you like to do differently? Do you need new kinds of information, members with certain skill sets, or an adjustment to your mission, to be effective? While the annual report will help you look back on your performance, it will also push you to set goals for what you would like to accomplish in the coming year.

To write your annual report, you may choose to follow the template provided below. The members of your BCC are collectively responsible for creating this document, and your chairperson is responsible for submitting it to the City Clerk. Your staff liaison may not draft, complete, or submit the report on your behalf, but will be able to help you find answers to procedural questions that you may have along the way.

Timeline for Completion (For BCCs required to file in March)

September: The Clerk's Office will contact your staff liaison and your chairperson to inform them of the need to schedule the annual report for discussion and action. If your BCC meets less than quarterly, your chairperson may need to take the initiative and schedule this item before September in order to complete this requirement on time.

October - December: Your chair will include the annual report on one or more agendas. As a group, your BCC will complete the report in whatever manner you choose. You may work on it together during a regular meeting, delegate the work to a subcommittee, or have a single member draft the responses. Whatever the case, the annual report on which you vote must reflect the thoughts and input of the full BCC.

January: The chair of the BCC shall complete the annual report form in accordance with the authorization of the full BCC and submit it to the City Clerk's Office.

Throughout the year: The City Clerk will assign your BCC a Mayor and Council meeting date. It may not immediately follow the submission of your annual report, so feel free to work with the Clerk to include any updated information you would like to provide to the Mayor and Council ahead of the meeting.

Annual Report Template

BCC Data

Please list...

- The name of your BCC
- The year covered by this report
- The name and contact information of the current Chairperson
- Maximum number of members
- Current vacancies (number and appointer)
- Designated number of meetings per year
 - Number of meetings held this year
 - Number of meetings canceled for lack of a quorum
 - Number of meetings canceled for other reasons
 - If you canceled meetings for other reasons, please explain
 - List of sub-committees (if relevant)
 - Number of subcommittees meetings held (if relevant)

Briefly describe the mission and purpose of your BCC.

Do you feel your mission is still relevant? Would you like the Mayor and Council to update your purpose or function in any way?

Major Accomplishments of This Year

List and describe the major accomplishments you made this calendar year. Include any direction received from Mayor and Council, what action you took in response and the outcome.

If applicable, note which accomplishments were in last year's work plan and which were not. If you did not complete any items in last year's work plan, please briefly note why.

Do you feel that your work or input had a positive impact on City decision-making or operations this year? If it had limited or little positive impact, describe what you would need to be more effective.

Work Plan for the Coming Year

Please create a work plan that describes what you intend to accomplish in the upcoming year as it relates to your functions and duties. Each item in the work plan should set a rough timeframe for completion. *(Think of these timeframes as goals, rather than hard deadlines. If circumstances change, they will not limit your flexibility to respond to new information or conditions in real time.)*

A QUICK GUIDE TO ARIZONA OPEN MEETING LAW

As a board, committee, or commission appointee, you are a public official conducting the business of the City of Tucson. Your work impacts the decisions and operations of the city, so transparency demands that the public have open access to your discussions, deliberations, and decisions.

What is the goal of the Open Meeting Law (OML)?

As one of Arizona’s “sunshine laws,” the OML guarantees members of the public access to the deliberations and decisions of their public bodies.

The state enacted its Open Meeting Law in 1962. During its deliberations, the State Legislature repeatedly expressed a desire to make sure that all public bodies in the state conduct “the people’s business” openly. A series of court decisions, followed in 1978 by additional legislation, reiterated this policy and directed that any uncertainty under the Open Meeting Law should be decided in favor of openness in government.

What are the penalties for violating the Open Meeting Law?

State statute allows the court to assess a civil penalty of up to \$500.00 against each individual found to be involved in a violation of the OML. The court can require additional training in the open meeting law and can remove a member from the public body. The court can also order either the individual or the public body to pay reasonable attorneys’ fees to a successful plaintiff.

Note that the penalty for violating the OML is assessed against the *individual* involved in the violation, not the public body. As an appointee to a board, committee, or commission, the law holds you personally responsible for compliance with OML. It also prohibits the city from paying a penalty on your behalf, or from allowing the City Attorney to represent you in a legal proceeding.

The purpose of this guide

This guide will help you understand what the Open Meeting Law requires of you as a public official serving on a City of Tucson BCC. If this guide is successful, it will help you keep the City of Tucson’s deliberations, proceedings, and decisions – the public’s business – open to the public’s scrutiny.

The sections to follow will walk you through the basics of Arizona’s OML by focusing on what to do (or avoid doing) before meeting, during meeting, and after meeting. It ends with links to additional information and resources for your reference.

What to do...

Before the Meeting

Select a meeting location

Choose a meeting place to which the public has reasonable access. Think about where you would feel comfortable observing another public body’s meeting if you had never been before. Avoid places that

are geographically isolated, have limited access, have limited seating, or would be difficult to find. The meeting location must be ADA accessible.

Public buildings frequently meet these requirements, but you are not strictly limited to them. Do exercise discretion with other locations, though. Potential audience members should not feel as though they would need to make a purchase in order to attend your meeting, as might be the case at a retail establishment.

Create an agenda

In order to meet, you will have to publish an agenda that describes the matters you plan to discuss, consider, or decide upon at your meeting. If an item is not on the agenda, you cannot discuss it.

To comply with this requirement, the titles of your agenda items need to be specific. Avoid titles that do not reveal the nature of the item, like “old business” or “other matters.” Labels that are not fully informative – for instance, calling an item “discussion of widgets” when you plan to talk about whether or not widgets should be banned – are not permitted, either. As a shortcut, ask yourself whether a member of the public who saw your agenda would be able to accurately identify the crux of each matter without access to additional information.

Share with the City Clerk’s Office so public notice can be posted

The Clerk’s Office is required to post notice of your meeting – both physically at City Hall and on the city’s website. That notice must be posted by the Clerk at least 24 hours in advance of your meeting. If your staff liaison does not regularly complete this task for you, make sure to submit your agenda to the Clerk at least two business days before the meeting.

Consider a quorum check

To avoid frustration on your scheduled meeting day, consider asking your city staff liaison to help you conduct a quorum check with your full membership. If you can determine that you will not have enough members to make quorum at a meeting, cancel it before you, city staffers, and audience members make the trip to your meeting place. It will save everyone frustration. If you need to cancel the meeting you will need to submit a cancellation notice to the City Clerk’s office.

Beware electronic communication amongst members

In 2000, the state legislature defined electronic communications – by email, on social media, via text message, etc. – amongst a quorum of members as public meetings under the OML. Be careful with these media. An email message that includes a few people can be mistakenly forwarded to another couple of members and quickly turn into an OML violation. A complete discussion regarding email and the Open Meeting Law is on the Clerk’s website: <https://www.tucsonaz.gov/clerks/boards-committees-commissions>

Consider selecting your meeting location and deciding on your agenda during a noticed, in-person meeting, tasking a chairperson or subcommittee with the duty, or asking your staff liaison to serve as an intermediary. As in the quorum check suggestion above, a city staff liaison can act as an intermediary to

collect information from individual members and provide it in summary form to a chairperson or other officer.

Finally, because of the restrictions on electronic communications, City of Tucson BCCs are not permitted to have their own social media pages.

During the Meeting

Quorum

State statute generally defines a quorum as the majority of authorized voting members for a public body, including vacant spots. Check your datapage for the exact number of members your BCC needs to meet.

The City of Tucson generally follows the accepted principal of allowing fifteen minutes from the published start time of your meeting to achieve a quorum. If you are unable to achieve a quorum, you must cancel the meeting and leave. Allowing a sub-quorum of members to stick around and discuss matters that would have been on the agenda, even if you agree not to make decisions or take action, violates the spirit of the OML. The same holds true for “informal” presentations or “information only” items. If a quorum is not established all activities need to cease.

It is possible to lose quorum mid-meeting. If members walk out of the room – say, to take a phone call, go to the restroom, or to leave early – and the absence puts your BCC below quorum, you must pause or end the meeting.

Electronic participation

City of Tucson policy only allows members of the Commission on Disability Issues or individual BCC members who have made a formal request to the City Clerk for accommodation under the Americans with Disabilities Act (ADA), to participate in meetings electronically. As long as their attendance is not required to achieve a quorum, a single BCC member at a time can arrange to call or conference into a meeting and participate as if they were physically present.

If you do not need ADA accommodation, you cannot “attend” your BCC’s meeting by phone, video conference, or via other electronic media.

With the help of their staff liaisons, some BCCs offer live audio streams of their meetings so that absent members and interested citizens can follow along remotely. Recall, though, that a member who tunes in this way does not count toward quorum, cannot take part in any of your discussions, and may not vote.

Agendas

You’ve taken care to craft an informative, targeted agenda for your meeting. No surprise here: the OML requires you to stay on topic. If the public would not have reasonably expected a conversation based on your published agenda items, then you cannot have it.

Even with the best of intentions, this can be challenging. It's natural for discussions and deliberations to evolve away from where they started and move into tangential topics. If you find yourself beyond the scope of what your agenda anticipated, pause the discussion, add the matter to a future agenda, and return to the agenda item.

Many BCCs include space on their agendas to take suggestions for future agenda items. Take care in this as well. A proposal to discuss a future topic can easily slip into deliberations on the subject itself, so these items tend to lead to off-agenda discussion.

Although you can only discuss agenda items, your chairperson may choose to address them in any order. The OML does not require you to have your discussion in the same order in which the items appear on the agenda. However, it is respectful to keep the convenience and expectations of your audience in mind before taking items out of order.

Audience

As long as they exercise basic etiquette, any citizen who would like to attend, and even record, your meetings has the right to do so. You cannot require spectators to sign an attendance sheet in order to observe (although you may choose to circulate one for voluntary sign-in), but a spectator who wants to address your BCC must provide his or her name for your meeting minutes.

BCCs frequently wonder about the extent to which non-members can participate in their meetings. In part, the answer is up to you.

You are not required to allow audience members to speak or participate at all. However, many BCCs like to create opportunities for public engagement, so here are some legal options for it:

- 1) You may include a "Call to the Public" or "Call to the Audience" on your agenda.
 - This agenda item allows anyone in attendance to address you, but it does not allow you, as a BCC member, to engage in conversation with the speaker, or discuss or act on a matter that's raised unless the topic is already on your agenda.
 - A BCC can limit the amount of time each speaker has, and members may respond to direct personal criticisms made by speakers. (Note, however, that this would not include criticisms of a policy, project, proposal, etc.)
 - If you would like to act on something a speaker brings to your attention, you can request that your chairperson place the topic on a future agenda, or you can ask if your staff liaison would be willing to look into the matter outside of the meeting.
- 2) During an agenda item, your chairperson can choose to recognize a member of the audience and allow her or him to take part in your discussion. Unlike a call to the audience, you can ask questions of and engage with that individual as long as the discussion stays on the topic noticed on your agenda.

After the Meeting

After your meeting, your BCC will need to provide two documents to the Clerk's Office for public posting: your Legal Action Report (LAR) and Meeting Minutes.

LAR

A Legal Action Report discloses the official action you took during your meeting. The Clerk's Office has three days to post LARs for full BCC meetings and ten days to post subcommittees LARs.

To find a template LAR, navigate to the Boards and Commissions page on the City Clerk's website. The template includes:

- The date, time, and location of the meeting
- A statement that a quorum was established through a roll call
- Approval of minutes from past meetings
- A listing of each agenda item that notes whether a discussion was held or action taken
- The outcome of each vote
- The time at which the meeting was adjourned

Minutes

Meeting minutes give a reasonably detailed summary of your discussions and votes. The Clerk's Office must make meeting minutes available to the public within three working days. You may provide unapproved or draft minutes to meet the three day requirement. Or, you may submit an audio recording, but written minutes must follow. If you vote to approve your minutes, they must be posted within two days of approval.

Your minutes must contain:

- The date, time, and place of the meeting
- An attendance list – members present and absent
- A summary of everything you discussed, including the name of the speakers who participated (appointees and audience members)
- A record of each motion that was made with the name of the person who proposed it
- The outcome of votes you take. The OML does not require a breakdown of votes – for instance, 6 in favor, 2 against, 1 recused due to conflict of interest – but, in the spirit of openness, please include that information if you can. Above and beyond the requirements of the OML, the City Clerk's Office also asks that you identify the names of each member who dissents or does not vote due to a conflict of interest.

Additional Resources

Contact the Clerk's Office with any questions, either in person at City Hall (9th Floor), by phone at (520) 791-4213 or email: cityclerk@tucsonaz.gov. For more detailed information visit the Clerk's website <https://www.tucsonaz.gov/clerks/boards-committees-commissions>. The information includes:

1. Arizona Revised Statutes, Title 38, Sections 38-431 to 431.09:
2. The Arizona Ombudsman Open Meeting Law Overview:
3. Arizona's Agency Handbook:
4. Templates for Agenda, Legal Action Reports, Public Notice of Possible Quorum, Cancellation Notices and Attendance Reports
5. Sample Ground Rules
6. Sample Script for Chairperson