BOARDS, COMMITTEES AND COMMISSIONS (BCC'S)

MEMBER HANDBOOK

PREPARED BY THE CITY CLERK'S OFFICE
255 W. ALAMEDA
TUCSON, AZ 85701
(520) 791-4213

http://www.tucsonaz.gov/clerks/boards-committees-commissions

Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS

Welcome and congratulations on being appointed to one of the City Of Tucson's Boards, Committees and Commissions!

The City of Tucson currently has more than sixty Boards, Committees and Commissions (BCCs) which, combined, have more than six hundred members. Members such as yourself are chosen for their background and/or expertise in a particular area and are appointed by the Mayor and Council. The primary responsibility of most BCC'S is to advise and make recommendations to the Mayor and Council.

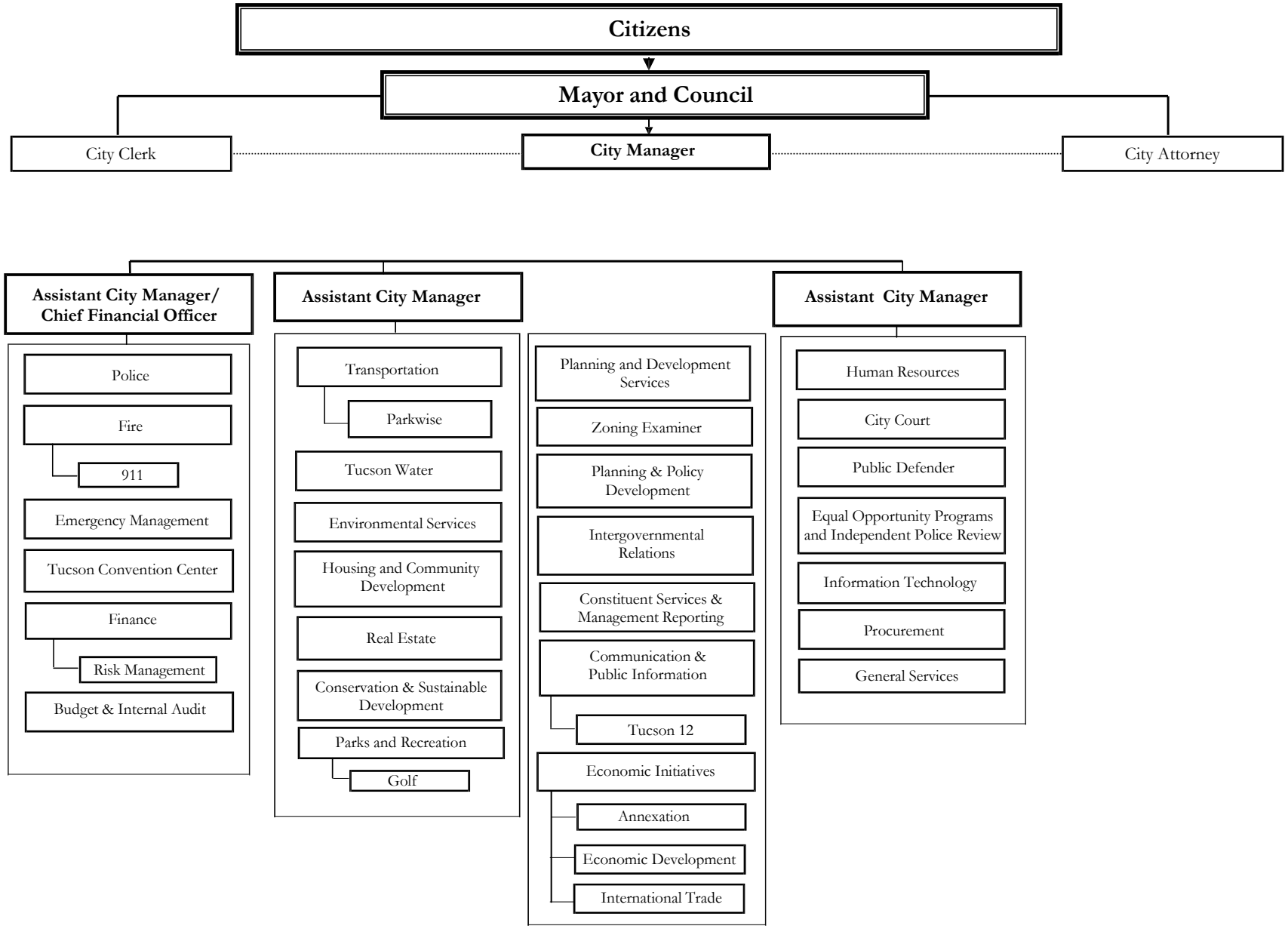
The following important information is vital to your success and that of the BCC you have been appointed to serve on.

- City of Tucson Organizational Chart
- Commonly Asked Questions
- Parliamentary Procedure Guidelines
- Open Meeting Law (OML) Synopsis
- Memo from the City Attorney regarding Emails and the Open Meeting Law
- Conflicts of Interest Information
- Gender and Ethnicity Letter and Resolution 15881

Please read this handbook in its entirety and do not hesitate to contact the City Clerk's Office if you have any questions or concerns while serving your term. We can be reached at 791-4213, Monday – Friday, from 8:00 a.m. to 5:00 p.m. (excluding holidays and City furlough days). Our office is located at 255 W. Alameda, Tucson, Arizona 85701. If you would like a printed copy of this handbook, we ask that you stop by our office and pick one up.

To view specific information such as the roster and information page for your BCC, click on the BCC listed on the City's website for Boards & Commissions

CITY OF TUCSON
ORGANIZATION CHART
FISCAL YEAR 2014



Effective 07/01/2013

Commonly Asked Questions

Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS (BCC'S)

Commonly Asked Questions

What is the relationship of BCC'S to the Mayor and Council?

The Mayor and Council create BCC'S to gain valuable insight and allow citizen input into decision-making processes. The primary responsibility of most BCC's is to advise and make recommendations to the Mayor and Council. The Mayor and Council receive input from many sources and those recommendations assist them in making informed decisions.

How does the appointment process work?

Members are appointed when terms expire or vacancies occur. Depending on the requirements of the BCC, members are appointed either by an individual Council Member or by the Mayor and Council as a whole. For appointments by the Mayor and Council as a whole, a vote must be taken at a council meeting. The City Clerk's Office makes sure that the member fulfills any special requirements the Board may have, such as City residency or employment in a specific field. The City Clerk's Office also updates the BCC database and Roster and sends appropriate materials to the new member.

What are the term lengths and can multiple terms be served?

Term lengths are defined in the ordinance or resolution that created the BCC and are generally four years in length. Most appointments made by the Mayor and by individual Council Members are coterminous, which means that the member's term will expire at the same time as the appointing official. Although there are a few exceptions, Tucson Code 10A-134(b) states that members can only serve for eight consecutive years on a BCC. After a break in service of at least one-year, individuals can be eligible for appointment to the same Board.

Can a member serve on multiple BCC's?

Although there are a few exceptions, Tucson Code 10A-134(c) states that a person may not serve on more than one City Board at a time.

Are members required to take an oath?

State law (A.R.S. Section 38-231) requires that all members of BCC's be administered a loyalty oath of office. The oath must either be administered by a staff member from the City of Tucson, City Clerk's Office, or administered and notarized by a Notary Public. The completed oath must be taken at or before commencement of the term of office, and filed with the City of Tucson, City Clerk's Office.

What are quorum requirements?

State law requires that a quorum be present in order for meetings to be held and business conducted. A quorum is a majority of the number of authorized members established by the ordinance or resolution creating the BCC. For example, if there are ten authorized members, then six members must be present, at all times, (regardless of whether there are vacancies) for a quorum to exist and the meeting to be conducted.

What are the attendance requirements?

Members are appointed for their expertise and experience in a particular area and the Mayor and Council benefits from their full consideration of the issues, so attendance at all meetings is important. Tucson Code provides that a member is automatically removed if he/she misses four consecutive meetings or fails to attend at least forty percent of the meetings called in a calendar year. If a member is found to be in violation of the attendance requirements, they will be sent a letter by the City Clerk's Office informing them of their removal from the BCC.

Can a BCC endorse ballot items or pending legislation?

Mayor and Council approval must be obtained prior to a BCC endorsing or opposing any federal or state legislation. Additionally, the legislation should be associated with the functions, goals and objectives of that board. Of course, individual members of public bodies may express their personal

opinions on any legislative matter. Questions regarding this policy should be directed to the City Clerk's Office at 791-4213.

What is the Open Meeting Law?

The Open Meeting Law (OML) is a State law (A.R.S. 38-431 et seq.) that requires all public bodies, including Boards, Committees and Commissions, Subcommittees and Advisory Committees, to conduct their meetings openly and only after twenty-four hour notice is given to the public. The basic principle of the OML is that the business of the public should be conducted in public. The law serves to open closed doors, so that the community can see what government is doing and to protect public officials who are properly conducting the public's business. Please refer to the attached information on maintaining compliance with the OML.

How are conflicts of interest determined and handled?

Conflict of Interest laws are defined by A.R.S. 38-503 et seq. It is the responsibility of the Board member to recognize and identify circumstances in which they may receive, or appear to receive, a proprietary or pecuniary benefit (other than merely as a member of the general public or as an equal member of a class of persons) as a direct or indirect result of the activities of the board on which they are serving. A person with a conflict must make that conflict known in the official minutes of the BCC or file a written disclosure with the City Clerk's Office. All disclosures are kept for public record. Please refer to the attached information on conflicts of interest. Questions regarding conflicts of interest should be directed to the City Clerk's Office at 791-4213.

How are meetings run? Are there specific parliamentary procedures to follow?

The City of Tucson does not have prescribed parliamentary procedures for BCC's to adhere to. However, there are legal requirements that must be adhered to as follows:

1. All BCC's must follow the State of Arizona Open Meeting Law
2. All BCC's must follow any requirements set forth in the City of Tucson Ordinance or Resolution that created the BCC.
3. All BCC's must follow the Bylaws adopted by the BCC.

4. All BCC's may refer to the Mayor and Council Rules and Regulations and Robert's Rules of Order for guidance on parliamentary procedures. A basic guide to parliamentary procedure is included in this handbook for your reference.

How can the public access BCC meetings and materials?

Meeting notices are posted in four (4) official posting locations at City Hall for the public to view. Meeting notices, Legal Action Reports (LARs), and minutes may also be viewed on the City Clerk's website at http://www.tucsonaz.gov/clerks/boardscommissions. Handouts and backup meeting materials must also be sent to the City Clerk's Office. They are made available for public review upon request.

Where can more information be found?

Any questions regarding policies, membership, or duties of a BCC's should be referred to the City Clerk's Office at 791-4213.

PARLIAMENTARY PROCEDURE GUIDELINES

Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS

PARLIAMENTARY PROCEDURE GUIDELINES

Purpose of Parliamentary Procedure

Parliamentary procedure is a set of rules that were developed to conduct meetings efficiently and effectively. It is a system for conducting business in a group that will assist the group in deliberating and reaching a decision in an orderly, fair and respectful manner.

Legal Requirements

The City of Tucson does not have prescribed parliamentary procedures for BCC's to adhere to. However, there are legal requirements that City of Tucson BCC's must adhere to. First, all BCC's must follow the State of Arizona, Open Meeting Law (OML), and then any requirements set forth in the City of Tucson Ordinance or Resolution that created the BCC. After that, they must adhere to any bylaws the BCC has adopted. Finally, the BCC may refer to Mayor and Council Rules and Regulations and Robert's Rules of Order for guidance on parliamentary procedures.

The following information is provided as a guide and resource for BCC members and is derived from Robert's Rules of Order.

Member Roles and Responsibilities

- Chairperson – Responsible for conducting meetings, serves as the official representative of the board, sets the agenda, announces the order of business, recognizes members who would like to speak, appoints members to subcommittees, facilitates the motions and declares the votes.

- Vice Chairperson – Responsible for presiding over and conducting any meeting at which the Chairperson is not present. If both the

Chairperson and the Vice Chairperson are absent, the members shall appoint a Chairperson to conduct the meeting.

- Secretary – Responsible for keeping the notes of the meeting, records the attendance and keeps a list of current members and subcommittee assignments, produces the agenda in conjunction with the Chairperson and handles general correspondence. The Secretary has access to all of the governing documents of the BCC and keeps them current.

- Treasurer – If the BCC has a budget, the Treasurer is responsible for keeping an accurate record of expenditures and giving status reports to the BCC.

Order of Business

Each individual BCC may set their order of business. Below is a list of typical items and the order in which they are commonly considered. Please note that the OML requires that the agenda list items as clearly as possible, so that the public can be aware of what is being discussed.

- Roll Call/Call to Order – Roll call will determine if a quorum is present so that the meeting can proceed.

- Approval of Minutes – Can be approved as presented or with corrections/amendments.

- Chairman's Summary of Current Events – This is an informational item and cannot be discussed.

- Subcommittee Reports – This is an informational item and cannot be discussed unless the topic has been agendized separately.

- Unfinished Business – Items carried over from previous meetings.
    - Specific items must be agendized.

- New Items of Business – Specific items must be agendized.

- Call to the Audience – This is an informational item. Members cannot discuss issues raised during this item. Topics may be agendized for discussion at a future meeting.

- Future Agendas – At this time, members can request items to appear on a future agenda. The items cannot be discussed at this time.

- Adjournment – At this time the Chairperson should announce the time and place of the next meeting, if known, and adjourn the meeting.

Decorum

- Who can speak – Speakers are recognized by the Chairperson. The Chairperson may use their discretion when allowing audience members to speak on items not noticed as a public hearing or items outside of call to the audience. An effective chairperson will often alternate between members speaking in the affirmative on a motion and members speaking in the negative.

    - Parliamentary Etiquette

        - Only speak when called on

        - Members should be called on by name for the record

        - Non BCC members should identify themselves for the record when speaking

        - Direct all comments to the Chairperson

        - Be tactful, respectful and organize your thoughts first

Motions

Although Robert's Rules of Order allows for layers of motions, it is more efficient and easier for the public to understand if only a main motion and a substitute motion (if needed) are placed on the table.

- Types of Motions

  There are many types of motions, however only the most common are discussed here.

  - Main – The first motion made and seconded. There can only be one main motion on the floor at a time.

  - Substitute Motion – A motion made by another member after the main motion has been made and seconded, but before it is voted on. Substitute motions must be voted on first, before the main motion. If the secondary motion is passed, the main motion is dropped.

- Making Motions

  There are six main steps to processing motions

  1. A member makes a motion.

  2. Another member seconds the motion. This member does not have to agree with the motion; they only have to agree that it should be debated. If a motion is not seconded, it dies and is not debated.

  3. The Chairperson states the motion, formally placing it before the BCC.

  4. Discussions begin.

  5. The Chairperson asks for a vote on the motion.

  6. The Chairperson announces the results of the vote.

  Remember: Be precise and try to use positive words to express a negative thought, as this will make the motion easier to understand and debate.

Voting

The purpose is to make official, as part of the record, how each member voted. Members may not abstain unless they have a conflict of interest (please see the conflict of interest section of the handbook). The secretary should always take the roll and the roll call votes in the same manner, using the same titles and in the same order. Roll call votes should always be used for budget and election items or for any controversial item.

- Voice Votes – This is the most common method of voting which can be used for non-controversial and routine items. The Chairperson calls for "ayes" and "nos." If the outcome is unclear, a roll call vote should be taken.

- Roll Call Votes – BCC Members may vote "aye", "no" or "pass/abstain." In accordance with Mayor and Council Rules and Regulations, if a member passes/abstains twice, it is considered as an "aye" vote.

Subcommittees

When there are matters that need further development or research, the Chairperson can create a subcommittee to move the project forward. The Chairperson must determine what the scope of the Subcommittee's work will be and appoint the members who will serve on the Subcommittee.

Subcommittees must follow all aspects of the Open Meeting Law and cannot take legal action on their own. The Subcommittee must report back to the full BCC to present their recommendations for the consideration of the entire BCC.

OPEN MEETING LAW SYNOPSIS (OML)

(A.R.S. SEC. 38-431, ET SEQ)

Office of the City Clerk

BOARDS, COMMITTEES & COMMISSIONS

OPEN PUBLIC MEETING LAW

(A.R.S. SEC. 38-431, ET SEQ.)

IMPACT UPON MEETINGS OF BOARDS, COMMITTEES AND COMMISSIONS OF THE CITY OF TUCSON, ARIZONA

It is the policy of the State of Arizona that meetings of public bodies be conducted openly. Notices and agendas are to be provided for such meetings and must contain information necessary to inform the public of the matters to be discussed or decided. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder, camera or other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting. A "Meeting" means the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. The definition of a meeting was modified by the Arizona Legislature in 2000 to prohibit a quorum of a public body from secretly communicating through technological devices, including facsimile machines, telephones and electronic mail. Please see the attached Attorney General Opinion regarding email communications.

A. Public Bodies Defined

"Public body means the legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body."

1. Governing bodies (i.e., the Mayor and Council).

2. Boards, commissions and committees of the City created by law or an official act pursuant to some legal authority.

3. Boards of Directors of "quasi-governmental corporations" and "instrumentalities" of the City when the members of the board are appointed or elected by the Mayor and Council.

4. Quasi-judicial Bodies, that is, public bodies 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.

5. Advisory committees are defined as any group "officially established upon motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body." Advisory Committees are subject to all of the requirements of the Law.

6. Special and Standing Committees, and Subcommittees. Generally, a special or standing committee is a group consisting of members of the public body, which has been appointed by or authorized to act for the public body. In addition to members of the public body, persons who are not members of the public body may also serve on these committees. (If there are no members of the public body on the committee, then a special or standing committee must fall within the definition of an "advisory committee" before it is subject to the Law.) Subcommittees are subgroups of committees and are subject to all of the requirements of the Law.

B. Public Notice Requirements

Notice of all meetings, including executive sessions, must be given to members of the public body and to the public. Generally, notice of meetings must be posted in a public manner no less than twenty-four (24) hours prior to the time of the meeting. Additionally, every year the

public body must file with the City Clerk a disclosure statement indicating where all public notices of meetings will be posted. If preferred, the City Clerk will post notices for the public body in the locations established by the City Clerk for that purpose.

The notice should include the following information:

1. The full name of the public body. (In general, acronyms or other abbreviations should not be used alone. When a subcommittee of a public body is meeting, include the name of the public body as well as the name of the subcommittee.)

2. The date and time of the meeting.

3. The place of the meeting. (Include the name of the building and floor or suite number [if applicable], street address and City).

A public body that intends to meet for a specified calendar period on a regular day or date during the period and at a regular place and time may post public notice of meetings at the beginning of the period and need not post additional notices for each meeting unless there are changes to the schedule. The notice must specify the period for which the notice is applicable. The City Clerk prepares such a notice at the beginning of each calendar year based upon the contents of the annual disclosure statement filed by each public body. (This method of posting does not satisfy the agenda requirements unless the notice also contains a clear statement that the agenda for meetings will be available at least twenty-four (24) hours in advance of the meeting and a statement as to where and how the public may obtain a copy of the agenda.)

In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances. Contact the City Clerk for further information.

A meeting may be recessed and resumed with less than twenty-four (24) hours notice if public notice of the initial session of the meeting is given as required, and if, prior to recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.

C. Agendas

In addition to the public notice requirements, each public body must provide an agenda of the matters to be discussed, considered or decided at each meeting which must be available to the public a minimum of twenty-four (24) hours prior to the time of the meeting. The agenda must contain a listing of the "specific matters to be discussed, considered or decided at the meeting". General terms such as "personnel," "new business," "old business", etc. may not be used unless the specific matters or items to be discussed are identified. Agendas should “contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided.”

A public body may include items such as "future agenda items" to schedule items for future agendas, or "call to the audience" to designate that part of the meeting at which members of the public may address the public body. Any discussions or decisions regarding a matter brought up under "future agenda items" or "call to the audience" should be rescheduled for a later meeting in order to properly agendize the item.

The Open Meeting law allows the chief administrator or presiding officer of a public body to present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that the summary is listed on the agenda and that the public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

The agenda may be made available to the public by including it as part of the notice of the meeting or by stating in the notice how the public may obtain a copy of the agenda. Changes in the agenda must be prepared and distributed in the same manner as the original agenda at least twenty-four (24) hours prior to the time of the meeting.

Specific questions regarding contents of the agenda should be referred to the City Clerk’s Office at 791-4213.

D. Record of Meetings

All public bodies **must** maintain minutes of all meetings held either in the form of a taped recording (with supplemental notes, if necessary) or a written record. The record of the meeting must be available for public inspection within three (3) working days after the meeting. The minutes of a public meeting must include the following information:

1. The date, time and place of the meeting;

2. The members of the public body recorded as either present or absent;

3. A general description of the matters discussed or considered. The Law requires that minutes contain information regarding matters considered or discussed at the meeting even though no formal action or vote was taken with respect to the matter;

4. An accurate description of all legal actions proposed, discussed or taken and the names of members who proposed each motion. This does not require that the name of each member who votes on a motion are indicated but only that the member who proposed it be shown in the minutes. Generally, however, the body, for its own benefit, will include the names of the member who seconded the motion and those who voted in favor of or against the motion. In any case, the minutes must reflect how the body voted and the numerical breakdown of the vote;

"Legal action" means a collective decision, commitment or promise made by a majority of the members of a public body pursuant to the constitution, their charter or laws or specified scope of appointment or authority, and the laws of this state.

5. The name of each person making statements or presenting material to the public body and a specific reference to the legal action to which the statement or presentation relates;

6. If the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information so that the public may investigate further the background or specific facts of the decisions.

E. Executive Sessions

Executive sessions may only be held for specific purposes. A public body which qualifies to hold an executive session should consult with the City Clerk prior to holding any executive session. Notice of the executive session must be given to the members of the public body and to the general public in the same manner as all other meetings and must include the specific provision of the law authorizing the executive session.

Once proper notice has been given, the executive session may only be held following a public majority vote of the members constituting a quorum and a public announcement by the public body identifying the specific section of the law authorizing the executive session. The purposes for which an executive session may be called are defined in the law. Questions regarding holding an executive session should be discussed with the City Clerk.

F. Circumvention of the Open Meeting Law (OML)

Discussions and deliberations between less than a majority of the members of a public body, when used to circumvent the purposes of the OML violate that law. Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members, whether in person or through technological devices. Public officials should refrain from any activities that may undermine public confidence in the public decision making process established in the OML, including any actions that may appear to remove discussion and decision from the public view.

The Attorney General and County Attorneys are authorized to investigate alleged OML violations. Civil penalties, not exceeding five hundred dollars, may be assessed against any person for each violation of the OML. This penalty can be assessed against a person who violates the OML or knowingly aids, agrees to aid or attempts to aid another person in violating the OML. This penalty is assessed against the individual and not the public body, and the public body may not pay the penalty on behalf of the person assessed.

E-mails and the Open Meeting Law

Council
City Attorney
City Manager
City Clerk
Exec. Asst.
Posting
Public File
Response
1/26

Asst. City Clerk
Mgmt. Asst.
Office Supervisor
Agenda
Liquor/Bingo
BCC's
Info Retrieval

KEY ✓ Information Copy
X - Action Copy
O - Original

Asst. City Clerk
Mgmt. Asst.
Office Supervisor
Early Voting
Records Center
CFA/Financial Mgmt.
Asst. City Clerk
Mgmt. Coord.
Mgmt. Asst.
Systems Analyst

Public Records Copy

CITY OF TUCSON
RECEIVED
06 JAN 19 AM 9:47
OFFICE OF THE CITY CLERK

MEMORANDUM

DATE: January 18, 2006

TO: The Honorable Mayor
and Council Members

FROM: Mike Rankin
City Attorney
x 4221

SUBJECT: E-mails and the Open Meeting Law

The Attorney General recently issued an opinion concerning how the Open Meeting Law ("OML") applies to the use of e-mail by members of public bodies. As described in the opinion, the Attorney General's office will consider it a violation of the OML if a member of a public body sends an e-mail to a quorum or more of the body if the e-mail proposes legal action, even if the other members don't respond to the e-mail or take the exchange any further. Examples of proposing legal action would include urging a specific act within the authority of the body (e.g. "I think we should put in a crosswalk at 1st and Main), or describing an anticipated motion at a future meeting (e.g. "next Tuesday, I'm going to move that we . . .").[1]

Of course, this does not mean that every e-mail communication sent or received by members of the governing body violates the OML. As a simple example, the passive receipt of information by council members from City staff does not violate the OML. To help sort through what is and is not permissible, the A.G. opinion provides a series of factual scenarios and their related OML implications. Because I think these examples are instructive, I'm providing them to you here (modified to apply to our structure) as a guide. References to "council member" or "member of the body" apply equally to the Mayor:

1. E-mail discussions between less than a quorum of the members do not violate the OML; however, if these messages are forwarded to enough other members so that a quorum is involved, it would violate the OML.

2. If a staff member or a member of the public e-mails a quorum of members of the public body, and there are no further e-mails among the members, there is no OML violation.

3. A council member may copy other members on an e-mailed response to a constituent inquiry without violating the OML because this unilateral communication would not constitute discussions, deliberations or taking legal action by a quorum of the members.

[1] I believe that this part of the opinion is in error and is too broad a reading of the OML. However, the Attorney General has investigative and enforcement authority in this area.

4. An e-mail from the Manager, City Attorney or other city employee to a quorum of the public body does not violate the OML. However, if members reply to the message, they must not send copies to enough other members to constitute a quorum. Similarly, the Manager, Attorney or other sender must not forward the members' replies to the other members.

5. A council member may e-mail staff and/or a quorum of the public body proposing that a matter be placed on a future agenda. Proposing that the body have the opportunity to consider a subject at a future public meeting, without more, does not propose legal action, and, therefore, would not violate the OML.

6. A chain of e-mail discussions cannot be used to circumvent public meeting requirements. So for example, member A on a seven-member council may not e-mail members B and C on a particular subject within the scope of the council's responsibilities and include in the message what members D, E and F have previously communicated to board member A. This e-mail would be part of a chain of improper serial communications between a quorum on a subject for potential legal action.

7. Because OML requirements apply equally to subcommittees of the Mayor and Council as they do the governing body as a whole, particular care should be taken in communicating via e-mail with other members of those subcommittees. Example: One member of a three-member subcommittee may e-mail another subcommittee member concerning facts or opinions relating to subcommittee business, but that member may not respond to the e-mail because an exchange between two members would be a discussion by a quorum.

8. An e-mail request by a council member to the Manager or to staff for specific information does not violate the OML, even if the other members are copied on the e-mail request. The Manager or staff may in turn reply to all without violating the OML as long as that response does not communicate opinions of other council members.

9. A council member may use e-mail to send an article, report or other factual information to the other members or to staff with a request to include this type of document in the agenda packet. The agenda packet may be distributed to members via e-mail. However, members may not discuss the provided information with a quorum of the body through e-mail.

Given the complexity of these issues, I believe it would be helpful if I were to visit each of you as well as your staff to review the OML requirements. If you agree, please contact my assistant, Diana Campista, to schedule a meeting. In the meantime, I have some suggestions beyond the examples provided above that can help you avoid possible OML violations.

First of all, be judicious in your use of e-mail. Because e-mails are so simple to forward and reply to, it's easy to create, even by mistake, a discussion that includes a quorum of the body. Also, just keep in mind that in addition to OML considerations, e-mail is subject to inspection under the Public Records Law, with certain limited exceptions. Secondly, in those instances

when you might copy other members of the governing body with an e-mail, consider using the "blind copy" or "BC" option under Groupwise. I don't suggest this as a means of hiding your message or list of recipients, but rather as a way of avoiding inadvertent violations when a "reply to all" is sent in response. If you use this tool, a reply from the copied recipient will only go to the sender, rather than to all those originally copied, thus helping prevent an inadvertent creation of a discussion among a quorum. Lastly, please keep in mind that the A.G. takes an expansive view of the OML in an effort to ensure that government business is conducted in public.

If you have any questions or comments, please do not hesitate to contact me. You can view the relevant A.G. Opinion at: http://www.azag.gov/opinions/2005/I05-004.pdf

MR/DPM/dc

c: Mike Hein, City Manager
Kathleen Detrick, City Clerk
Dave Deibel, Principal Assistant City Attorney

CITY OF TUCSON
RECEIVED

06 FEB 24 AM 10: 27

OFFICE OF THE
CITY CLERK

MEMORANDUM

DATE: February 16, 2006

TO: The Honorable Mayor
and Council Members

FROM: Mike Rankin
City Attorney
x 4221

SUBJECT: Follow Up to 1/18/06 Memo Re: E-mails and the Open Meeting Law

As a follow up to my January 18, 2006 memorandum to you concerning the application of the Open Meeting Law to e-mail communications, I'm providing you with a copy of a recent press release from the Office of the Attorney General regarding an investigation and enforcement action involving the Gila Community College Board. The press release provides an example of the AG's approach to this issue, and the types of sanctions that can follow.

As always, please call me with any questions.

MR/dc
Att.
c w/Att.: Mike Hein, City Manager
Kathleen Detrick, City Clerk
Dave Deibel, Principal Assistant City Attorney

27FEB06 SWA DISTRIBUTION 9 LOG NO. 121645

Mayor		Legislative Mgmt.		Elections/Records Mgmt.	
Council		Asst. City Clerk	✓	Asst City Clerk	✓
City Attorney		Mgmt. Asst.	✓	Mgmt. Asst.	✓
City Manager		Office Supervisor	✓	Office Supervisor	
City Clerk (1)	✓	Agenda		Early Voting	
Exec. Asst.		Liquor/Bingo		Records Center	
Posting		BCC's		CFA/Financial Mgmt.	
Public File	✓ O	Info Retrieval		Asst. City Clerk	✓
Suspense				Mgmt. Coord.	✓
				Mgmt. Asst.	
				Systems Analyst	
				Payroll/Procure	

KEY ✓ Information Copy
X - Action Copy
O - Original

Public Records Copy

{A0012840.DOC/}

Office of Attorney General Terry Goddard

STATE OF ARIZONA
DEPARTMENT OF LAW
1275 W. WASHINGTON STREET
PHOENIX, ARIZONA 85007-2926
WWW.AZAG.GOV

ANDREA M. ESQUER
PRESS SECRETARY
PHONE: (602) 542-8019
CELL PHONE: (602) 725-2200

FOR IMMEDIATE RELEASE

Attorney General's Office Settles Open Meeting Law Complaints With Gila Community College Provisional Board

(Phoenix, Ariz. – Feb. 10, 2006) An investigation by the Attorney General's Office has concluded that the Gila County Community College Provisional Board of Governors violated the state Open Meeting Law several times over the last year when a quorum of the members communicated about Board business via email, failed to timely produce meeting minutes and failed to follow confidentiality provisions governing executive session meetings.

Between December 2004 and May 2005, the Board exchanged emails discussing issues being considered by the Board and reached conclusions on those issues. Additionally, the Board held a working session in December 2004, but didn't make meeting minutes available until June 2005. Finally, Board Chairman Robert Ashford emailed details from two executive session meetings held in February and March 2005 to an administrator at Eastern Arizona College.

"The public has a right to observe the deliberations and communications of its government," Goddard said. "My office continues to work with local governments to ensure they understand the law, and we will investigate and hold accountable any public body to make sure the public's business is done in the open."

In lieu of filing a court action against Board members, the Board and the Attorney General's Office have entered into a consent agreement that contains the following provisions:

- Ashford will pay a $500 penalty from personal funds to Gila County Community College. This is the maximum fine allowed under Arizona law.
- The Board will review the investigation's findings and recommendations during its next Board meeting, make copies of the report available to the public at the meeting and invite public discussion.
- The Board will establish a system to retain emails and make them available for public inspection.
- All current Board members will participate in Open Meeting Law training within 90 days of accepting the consent agreement.

more

- Within 90 days of the Open Meeting Law training, the Board will develop an email communication policy that complies with Open Meeting Law.

- Until the Board receives Open Meeting training and an email policy is established, all current Board members will sign a written statement that they will not use email or direct staff to use email to communicate with other Board members for any reason.

The investigation was prompted by a complaint filed last year by the Citizens for Better Payson Government.

Under Arizona's Open Meeting Law, "All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings." A meeting is defined as a "gathering in person or through technological devices" of a quorum of members.

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STATE OF ARIZONA

OFFICE OF THE ATTORNEY GENERAL

ATTORNEY GENERAL OPINION by TERRY GODDARD ATTORNEY GENERAL July 25, 2005	No. I05-004 (R05-010) Re: Open Meeting Law Requirements and E-mail to and from Members of a Public Body

To: Donald M. Peters, Esq.
Miller, LaSota & Peters
722 East Osborn Road, Suite 100
Phoenix, Arizona 85014

Pursuant to Arizona Revised Statutes ("A.R.S.") §15-253(B), you submitted for review your opinion to the president of the Washington Elementary School District ("District") Governing Board ("Board") regarding electronic mail ("e-mail") communications to and from members of the Board and Arizona's Open Meeting Law ("OML").

This Opinion revises your analysis to set forth some parameters regarding e-mail to and from members of a public body and is intended to provide guidance to public bodies throughout the State that are subject to the OML. *See* Ariz. Att'y Gen. Op. I98-006 at 2, n.2.

Question Presented

What are the circumstances under which the OML permits e-mail to and from members of a public body?

Summary Answer

Board members must ensure that the board's business is conducted at public meetings and may not use e-mail to circumvent the OML requirements. When members of the public body are parties to an exchange of e-mail communications that involve discussions, deliberations or taking legal action by a quorum of the public body concerning a matter that may foreseeably come before the public body for action, the communications constitute a meeting through technological devices under the OML. While some one-way communications from one board member to enough members to constitute a quorum would not violate the OML, an e-mail by a member of a public body to other members of the public body that proposes legal action would constitute a violation of the OML.

Analysis

The OML is intended to open the conduct of government business to public scrutiny and prevent public bodies from making decisions in secret. *See Karol v. Bd. of Educ. Trs.*, 122 Ariz. 95, 97, 593 P.2d 649, 651 (1979). "[A]ny person or entity charged with the interpretation [of the OML] shall construe any provision [of the OML] in favor of open and public meetings." A.R.S. § 38-431.09. In addition, devices used to circumvent the OML and its purposes violate the OML and will subject the members of

the public body and others to sanctions.[1] *See e.g.* Ariz. Att'y. Gen. Ops. I99-022, n. 7; I75-7. These principles guide the analysis of the use of e-mails by members of a public body. E-mail communications to or from members of the public body are analyzed like any other form of communication, written or verbal, in person or through technological means.

A. An Exchange of E-mails Can Constitute a Meeting.

1. <u>A Meeting Can Occur Through Serial Communications between a Quorum of the Members of the Public Body.</u>

All meetings of public bodies must comply with the OML.[2] The OML defines a "meeting" as:

> the gathering, in person or through technological devices, of a quorum of members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to such action.

A.R.S. § 38-431(4).

The OML does not specifically address whether all members of the body must participate simultaneously to constitute a "gathering" or meeting. However, the requirement that the OML be construed in favor of open and public meetings leads to the conclusion that simultaneous interaction is not required for a "meeting" or "gathering"

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[1] A.R.S. § 38-431-.07 (A) provides for penalties for violating the OML against not only members of the public body, but also against "[a person] who knowingly aids, agrees to aid or attempts to aid another person in violating [the OML]."

[2] A "public body" subject to the OML includes:

> the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivisions. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

A.R.S. § 38-431(6).

within the OML. "Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions. . . .. Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that is or may be presented to the public body for a decision." *Arizona Agency Handbook* § 7.5.2. (Ariz. Att'y Gen. 2001) Thus, even if communications on a particular subject between members of a public body do not take place at the same time or place, the communications can nonetheless constitute a "meeting." *See Del Papa v. Board of Regents*, 114 Nev. 388, 393, 956 P. 2d 770, 774 (1998) (rejecting the argument that a meeting did not occur because the board members were not together at the same time and place)[3]; *Roberts v. City of Palmdale*, 20 Cal. Rptr. 2d 330, 337, 853 P. 2d 496, 503 (1993) ("[A] concerted plan to engage in collective deliberation on public business through a series of letters or telephone calls passing from one member of the governing body to the next would violate the open meeting requirement.")[4]

2. Discussion, Proposals and Deliberations Among a Quorum of a Public Body Must Occur at a Public Meeting.

A "meeting" includes four types of activities by a quorum of the members of the public body: discussing legal action, proposing legal action, taking legal action, and deliberating "with respect to such action[s]." A.R.S. § 38-431(4). Three of these activities necessarily involve more than a one-way exchange between a quorum of members of a public body.

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[3] Like the OML, Nevada's open meeting law defines a "meeting" as a gathering of a quorum of members of the public body. Nev. Rev. Stat. 241.015(2).

[4] This Office declines to follow *Beck v. Shelton*, 267 Va. 482, 491, 593 S.E.2d 195, 199 (2004) because of differences between Arizona's law and Virginia's. In *Beck*, the court concluded that "the term ['assemble'] inherently entails the quality of simultaneity." Further, the court observed that "[w]hile such simultaneity may be present when e-mail technology is used in a 'chat room' or as 'instant messaging,' it is not present

For example, the ordinary meaning of the word "discuss" suggests that a discussion of possible legal action requires more than a one-way communication. *See Webster's II New College Dictionary* 385 (1994) (defining "discuss" as "to speak together about.") Likewise, the term "deliberations" requires some collective activity. *See* Ariz. Att'y Gen. Op. I97-012, *citing Sacramento Newspaper Guild v. Sacramento Bd. of Supervisors,* 69 Cal. Rptr. 480, 485 (App. 1968) (reversed on other grounds). "Deliberations" and "discussions" involve an exchange between members of the public body, which denotes more than unilateral activity. *See* Ariz. Att'y Gen. Op. I75-8; *Webster's* at 390 ("exchange" means "to take or give up for another"; "to give up one thing for another"; "to provide in return for something of equal value.") Finally, "taking legal action" in the context of the OML requires a "collective decision, commitment or promise" by a majority of the members of a public body. A.R.S. § 38-431(3); Ariz. Att'y Gen. Op. I75-7.

Unlike discussions and deliberations, the word "propose" does not imply or require collective action. Webster's defines "propose" as "to put forward for consideration, discussion, or adoption." *Webster's II New College Dictionary* at 944. A single board member may "propose" legal action by recommending a course of action for the board to consider. For example, the statement, "Councilperson Smith was admitted to the hospital last night" is not a proposal, but "We should install a crosswalk at First and Main" is a proposal. Thus, an e-mail from a board member to enough other members to constitute a quorum that *proposes* legal action would be a meeting within the OML, even

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when e-mail is used as the functional equivalent of letter communication by ordinary mail, courier, or facsimile transmission." *Id.*, 267 Va. at 490, 593 S.E. 2d at 199.

if there is only a one-way communication, and no other board members reply to the e-mail.[5]

3. An Exchange of Facts, as Well as Opinions, Among a Quorum of Members of a Public Body Constitutes a Meeting within the OML, if it is Reasonably Foreseeable that the Topic May Come Before the Public Body for Action in the Future.

Arizona's OML does not distinguish between communication of facts or opinions. An exchange of facts, as well as opinion, may constitute deliberations under the OML. *See* Ariz. Att'y Gen. Ops. I97-012, I79-4; I75-8.[6] The term "deliberations" as used in A.R.S. § 38-431 means "any exchange of facts that relate to a matter which foreseeably might require some final action . . .." Ariz. Att'y Gen. Op. I75-78; *see also Sacramento Newspaper Guild,* 69 Cal. Rptr. at 485 (deliberation connotes not only collective discussion, but also the collective acquisition and exchange of facts preliminary to the final decision).

Of course, the OML applies only to an exchange of facts or opinions if it is foreseeable that the topic may come before the public body for action. *See Valencia v. Cata*, 126 Ariz. 555, 556-57, 617 P.2d 63, 64-5 (App. 1980); Ariz. Att'y Gen. Op. 75-8. The scope of what may foreseeably come before the public body for action is determined

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[5] It might be argued that because the definition of meeting refers to a gathering of a quorum at which *they* discuss, propose or take legal action, the definition only applies to proposals made by a quorum or circumstances in which more than one person actually makes a proposal. That interpretation, however, is inconsistent with the ordinary meaning of the word "propose" and with the process for proposing legal action for consideration by public bodies. It is also contrary to the directive that the OML be construed broadly to achieve its purposes.

[6] Unlike Arizona, some states permit exchanges of information among a quorum of a public body outside of public meetings. *See* Fla. AGO 2001-20, 2001 WL 276605 (Fla. A.G.) ("[C]ommunication of information, when it does not result in the exchange of council members' comments or responses on subjects requiring council action, does not constitute a meeting subject to [Florida's sunshine law]). As in many other states, Florida's open meeting law is known as its "sunshine law."

by the statutes or ordinances that establish the powers and duties of the body. *See* Ariz. Att'y Gen. Op. I00-009.

4. Applying OML Principles to E-mail.

Few reported decisions discuss when the use of e-mail violates a state's open meeting law. In *Wood v. Battle Ground School District*, 107 Wash. App. 550, 564, 27 P. 3d 1208, 1217 (2001), the Washington Court of Appeals held that the exchange of e-mail messages may constitute a meeting within Washington's Open Public Meetings Act. While the court held that "the mere use or passive receipt of e-mail does not automatically constitute a 'meeting'," it concluded that the plaintiff established a *prima facie* case of "meeting" by e-mails because the members of the school board exchanged e-mails about a matter, copying at least a quorum and sometimes all of the other members. The court said, "[T]he active exchange of information and opinions in these e-mails, as opposed to the mere passive receipt of information, suggests a collective intent to deliberate and/or to discuss Board business." 107 Wash. App. at 566, 27 P. 3d at 1218.

Although the Washington Open Public Meetings Act is not identical to the OML, like the OML, it broadly defines "meeting" and "action," and includes the directive that the law be liberally construed in favor of open and public meetings. 107 Wash. App. at 562, 27 P. 3d at 1216. The holding of the court in *Wood* and its attendant analysis are, therefore, persuasive.

The available case law and Arizona's statutory language indicate that a one-way communication by one board member to other members that form a quorum, with no further exchanges between members, is not a *per se* violation of the OML. Additional facts and circumstances must be evaluated to determine if the communication is being

used to circumvent the OML. A communication that proposes legal action to a quorum of the board would, however, violate the OML, even if there is no exchange among the members concerning the proposal. In addition, passive receipt of information from a member of the staff, with nothing more, does not violate the OML. *See Roberts,* 20 Cal. Rptr. 2d at 337, 853 P. 2d at 503 (receipt of a legal opinion by members of a public body does not result in a meeting.); *Frazer v. Dixon Unified Sch. Dist.*, 18 Cal. App. 4th 781, 797, 22 Cal. Rptr. 2d 641, 657 (1993) (passive receipt by board members of information from school district staff is not a violation of the open meeting law).[7]

There are risks whenever board members send e-mails to a quorum of other board members. Even if the first e-mail does not violate the open meeting law, if enough board members to constitute a quorum respond to the e-mail, there may be a violation of the OML. In addition, a quorum of the members might independently e-mail other board members on the same subject, without knowing that fellow board members are also doing so. This exchange of e-mails might result in discussion or deliberations by a quorum that could violate the OML. Because of these potential problems, I strongly recommend that board members communicate with a quorum about board business at open public meetings, not through e-mails.

B. Hypotheticals Illustrating the Use of E-mail.

The analysis of the OML and e-mail is theoretically no different than analyzing other types of communications. To provide additional guidance, this Opinion will address

[7] This office has also opined that, in the context of a Call to the Public, passive receipt of information does not constitute a meeting. Ariz. Att'y Gen. Op. I99-006.

OML applications to specific factual scenarios.[8]

a. E-mail discussions between less than a quorum of the members that are forwarded to a quorum by a board member or at the direction of a board member would violate the OML.

b. If a staff member or a member of the public e-mails a quorum of members of the public body, and there are no further e-mails among board members, there is no OML violation.

c. Board member A on a five-member board may not e-mail board members B and C on a particular subject within the scope of the board's responsibilities and include what other board members D and E have previously communicated to board member A. This e-mail would be part of a chain of improper serial communications between a quorum on a subject for potential legal action.

d. A board member may e-mail staff and a quorum of the board proposing that a matter be placed on a future agenda. Proposing that the board have the opportunity to consider a subject at a future public meeting, without more, does not propose legal action, and, therefore, would not violate the OML.

e. An e-mail from the superintendent of the school district to a quorum of the board members would not violate the OML. However, if board members reply to the superintendent, they must not send copies to enough other members to constitute a quorum. Similarly, the superintendent must not forward replies to the other board members.

f. One board member on a three-member board may e-mail a unilateral communication to another board member concerning facts or opinions relating to board business, but board members may not respond to the e-mail because an exchange between two members would be a discussion by a quorum.

g. A board member may copy other board members on an e-mailed response to a constituent inquiry without violating the OML because this unilateral communication would not constitute discussions, deliberations or taking legal action by a quorum of the board members.

h. An e-mail request by a board member to staff for specific information does not violate the OML, even if the other board members are copied on the e-mail. The superintendent may reply to all without violating the OML as long as that response does not communicate opinions of other board members. However, if board members reply in a communication that includes a quorum, that would constitute a discussion or deliberation and therefore violate the OML.

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[8] These hypotheticals assume that the e-mails are not sent by board members or at a board member's direction with the purpose of circumventing the OML and that any unilateral communications do not propose legal action.

i. A board member may use e-mail to send an article, report or other factual information to the other board members or to the superintendent or staff member with a request to include this type of document in the board's agenda packet. The agenda packet may be distributed to board members via e-mail. Board members may not discuss the factual information with a quorum of the board through e-mail.

C. Measures to Help Ensure that the Public Body Conducts Its Business in Public.

Although it is not legally required, I recommend that any e-mail include a notice advising board members of potential OML consequences of responding to the e-mail. Possible language for a notice for e-mails from the superintendent or staff is as follows:

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

Language for e-mails from board members could be the following:

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

Although the OML does not require the above notice, such notification may serve as a helpful reminder to board members that they should not discuss or deliberate through e-mail.

It is also important to remember that e-mail among board members implicates the public records law, as well as the OML. E-mails that board members or staff generate pertaining to the business of the public body are public records. *See Star Publ'g Co. v. Pima County Attorney's Office*, 181 Ariz. 432, 891 P.2d 899 (App. 1994); *see also Arizona Agency Handbook* § 6.2.1.1 (Ariz. Att'y Gen. 2001). Therefore, the e-mails must be preserved according to a records retention program and generally be made available

for public inspection. A.R.S. §§ 39-121, 41-1436. Although the OML focuses on e-mails involving a quorum of the members of the public body, the public records law applies to any e-mail communication between board members or board members and staff. Public bodies might consider maintaining a file that is available for public inspection and contains any e-mails sent to and from board members. Ready access to this type of information helps ensure compliance with the legislative mandates favoring open government.

I encourage all public bodies to educate board members and staff concerning the parameters of the OML and the public records law to ensure compliance with these laws. E-mail is a useful technological tool, but it must be used in a manner that follows the OML's mandate that all public bodies propose legal action, discuss, deliberate, and make decisions <u>in public</u>.

Conclusion

E-mail communications among a quorum of the board are subject to the same restrictions that apply to all other forms of communications among a quorum of the board. E-mails exchanged among a quorum of a board that involve discussions, deliberations or taking legal action on matters that may reasonably be expected to come before the board constitute a meeting through technological means. While some unilateral e-mail communications from a board member to a quorum would not violate the OML, a board member may not propose legal action in an e-mail. Finally, a quorum of the board cannot use e-mail as a device to circumvent the requirements in the OML.

Terry Goddard
Attorney General

450529

CONFLICTS OF INTEREST

Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS

CONFLICTS OF INTEREST

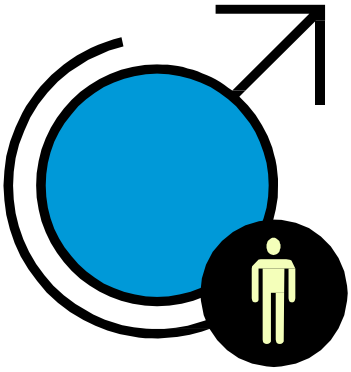
City Employees and members of City Boards, Committees and Commissions and the City Council must be constantly on guard against conflicts of interest. In short, you should not be involved in any activity, which might be seen as conflicting with the responsibilities of your position with the City. The people of Tucson have a right to expect that you act with independence and fairness toward all groups and not favor a few individuals or yourself.

Conflict of Interest laws are defined by A.R.S. 38-503 et seq . It is the responsibility of the board member to recognize and identify circumstances in which they may receive a proprietary or pecuniary benefit (other than merely as a member of the general public or as an equal member of a class of persons) as a direct or indirect result of the activities of the board on which they are serving. A person with a conflict must make that conflict known in the official minutes of the board or file a written disclosure with the City Clerk's Office. All disclosures are kept for public record.

Mayor and Council Rules and Regulations Section G (3) Conflict of Interest states: A member shall not vote where there is a conflict of interest and may disqualify himself/herself in such an event. When there is such a conflict of interest the member shall not debate the matter. He/She may, however, be excused from the dais, sit in the auditorium and as a member of the public address the membership and answer questions.

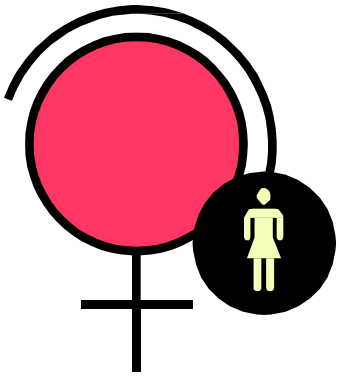
If you are in doubt of what you should do, opt not to participate.

Questions regarding conflicts of interest should be directed to the City Clerk's Office at 791-4213.



Gender and Ethnicity

Resolution #15881



Office of the City Clerk
BOARDS, COMMITTEES & COMMISSIONS

GENDER AND ETHNICITY INFORMATION

The Mayor and Council of the City of Tucson through the adoption of Resolution 15881, has directed the City Clerk to record the gender, racial and ethnic categories of those serving on all Boards, Commissions, Committees, task forces and other appointive bodies established by the Mayor and Council. Their goal is to have that membership (taken as a whole) be gender balanced and numerically reflect the ethnic and racial compositions of the City as determined by the current U.S. Census.

For the purpose of this record, the following racial/ethnic categories will be used, consistent with the concept of race as used by the U.S. Equal Employment Opportunity Commission:

1. **White:** (not of Hispanic origin): All persons having origins in any of the original peoples of Europe, North Africa, or the Middle East.

2. **Black:** (not of Hispanic origin): All persons having origins in any of the Black racial groups in Africa.

3. **Hispanic:** All persons of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish culture or origin, regardless of race.

4. **American Indian or Alaskan Native:** All persons having origins in any of the original peoples of North America, and who maintain cultural identification through tribal affiliation or community recognition.

5. **Asian or Pacific Islander:** All persons having origins in any of the original peoples of the Far East, Southwest Asia, the Indian Subcontinent, or the Pacific Islands. This area includes, for example, China, India, Japan, Korea, the Philippine Islands, and Samoa.

If you need additional information, or if we can assist you in any way, please contact me or the Boards, Committees and Commissions Staff at 791-4213.

ADOPTED BY THE
MAYOR AND COUNCIL
NOV 25 1991

RESOLUTION NO. 15881

RELATING TO GENDER BALANCE AND RACIAL AND ETHNIC PARITY IN CITY APPOINTMENTS.

WHEREAS, it is the goal of the Mayor and Council to strive to achieve gender balance and racial and ethnic parity in the membership of City boards, committees, commissions, task forces, and other such appointive bodies;

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

* SECTION 1. That it is the goal of the City that all appointments to City boards, committees, commissions, task forces, and other such appointive bodies, taken as a whole, be gender balanced and numerically reflect the ethnic and racial compositions of the City as determined by the current U.S. census.

SECTION 2. That the City Clerk is hereby directed to compile and publish a monthly report containing:

a. the gender, race, and national origin of the membership of each City board, committee, commission, and task force.

b. the number of individuals currently serving in appointive positions, identifying such individuals' gender, race, and national origin.

SECTION 3. That nothing in this resolution shall be

*Amended at Mayor & Council Study Session of 11-25-91.

construed to prohibit an individual from completing a term for which that person was appointed.

SECTION 4. That the various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 5. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, NOV 25 1991.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED BY:

CITY MANAGER

11/25/91