



CITY OF TUCSON

BOARDS, COMMITTEES AND COMMISSIONS (BCC'S)

MEMBER HANDBOOK

**PREPARED BY THE CITY CLERK'S OFFICE
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TUCSON, AZ 85701
(520) 791-4213**

<http://cms3.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.

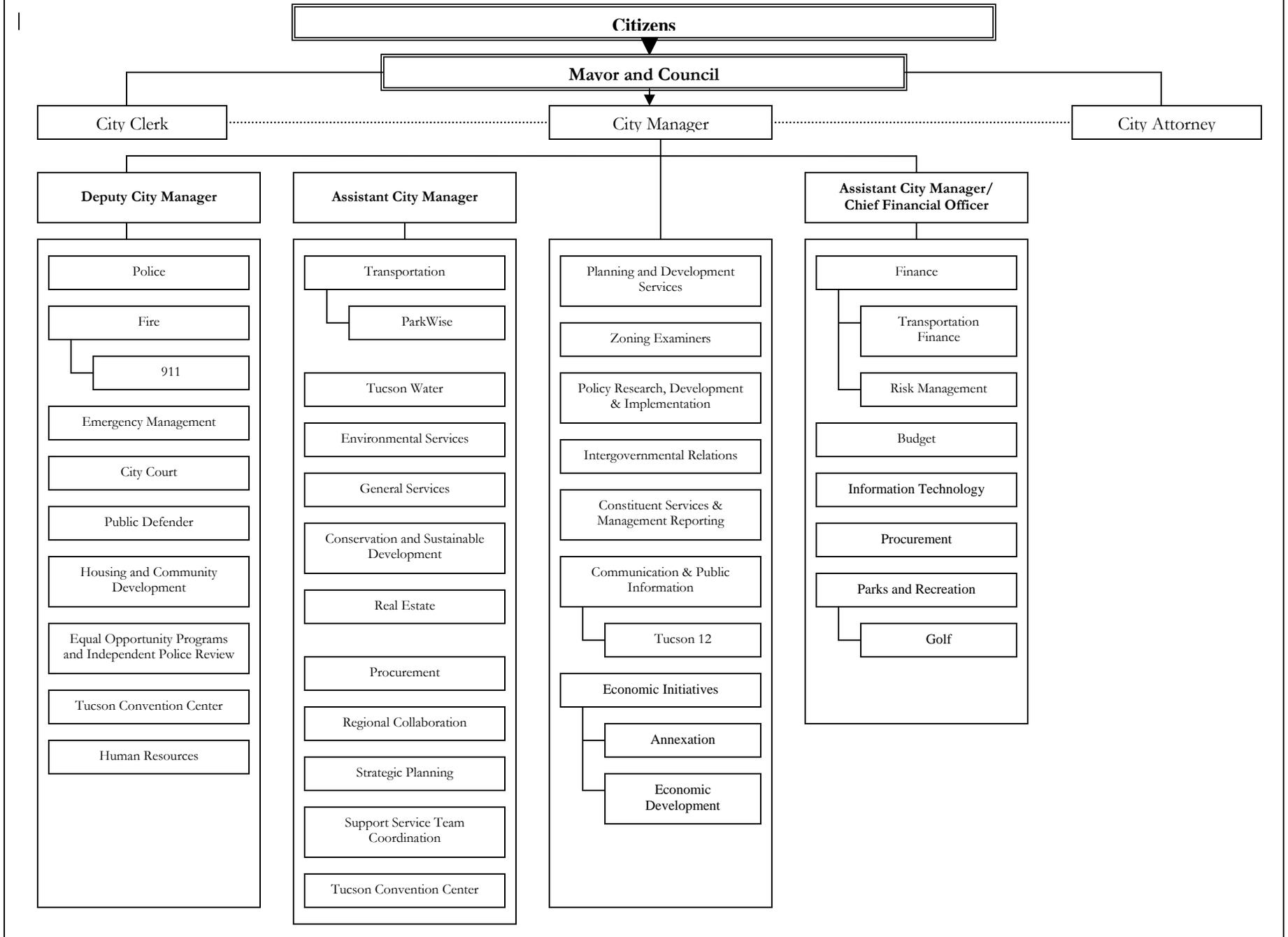
The following important information is vital to your success and that of the BCC you have been appointed to serve on.

- ⇒ [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
ORGANIZATIONAL CHART
FISCAL YEAR 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 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 members attend meetings via telephone or internet or other electronic means?

No. The Mayor and Council desire BCC meetings to be as open and available to the public as possible; therefore members are required to physically attend meetings of their board.

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 reviewed on the City Clerk's website at <http://cms3.tucsonaz.gov/clerks/boardscommissions>. Hard copies of the minutes and backup meeting materials must 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 agendaized 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



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MEMO FROM CITY
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CONFLICTS OF INTEREST





Office of the City Clerk BOARDS, COMMITTEES & COMMISSIONS

CONFLICTS OF INTEREST

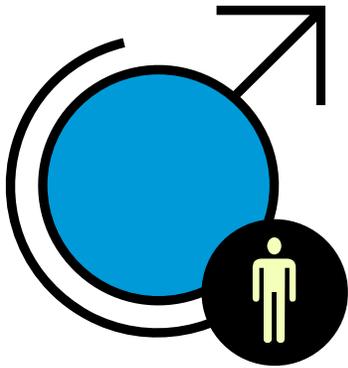
City Employees and members of City Boards, Committees and Commissions and the City Council must be constantly on guard against conflicts of interest. In short, you should not be involved in any activity, which might be seen as conflicting with the responsibilities of your position with the City. The 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.

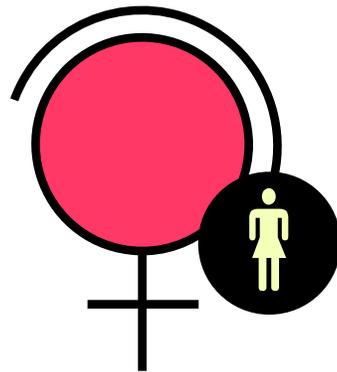
If you are in doubt of what you should do, opt not to participate.

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.

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OF

RESOLUTION 15881