

PIMA COUNTY/TUCSON WOMEN'S COMMISSION

FULL COMMISSION MEETING

Wednesday, October 22, 2008

240 N. Court Avenue

Tucson, AZ 85701

Adopted Minutes

Commissioners present: Marian Amoroso-Benedetto, Barbara Clarihew (chair), Barbara Epperson, Lucinda Hughes-Juan, Gypsy Lyle, Michael Mandel, Suela Mustafa, Dinah McGlory, Kaitlin Meadows, Michele Roland-Schwartz, Mary Lee Wright

Commissioners absent: Yolanda Broyles-González

Staff present: Briana Dorrenbacher, Monica Mueller, Bo Popovic, Stephanie Smith

Public: Alicia Calahorro, Desiree Gonzales, Dottie Poczulp, Malia Uhatafe, C. Michael Woodward, Dennis McLaughlin and Deborah Rainone (presenters, item 6)

1) Meeting called to order at 5:30pm by Chair B Clarihew

2) Call to public - C. Michael Woodward and Alicia Calahorro, representing the GLBT Commission, distributed a one-page handout, *Proposal to Expand and Correct the Affirmative Action Article by City Contractors in the Procurement Code*, and a four-page handout, *Proposed Equal Benefits and Nondiscrimination Corrections and Additions*. They introduced information about an existing city ordinance that provides for protections relating to sexual orientation and gender identity, and stated that these protections do not extend to city contractors and vendors. The GLBT Commission would like to ask the city to extend those protections. The GLBT Commission requests the Women's Commission to support this effort by expressing general support and by accompanying GLBT Commission members to mtgs with city council members. GLBT Commission members are still planning when to go to the council and doing preparatory work for these mtgs.

3) Agenda review – no changes

4) Approval of 8/20/08 minutes; (note: no minutes for 9/17/08 or 10/15/08; mtgs were cancelled) – Motion to approve minutes as submitted by K Meadows, seconded by M Amoroso-Benedetto. Passed 11 – 0.

5) Announcements - none

6) Presentation – informational only

a. Open meeting laws – City Clerk's Office

Presentation made by Deborah Rainone, who oversees the boards and commissions at the City Clerk's Office, and Dennis McLaughlin of the City Attorney's Office. Summary:

General definition; application; violations

Open Meeting Law (OML) is a state statute, required by the state attorney general. It states that any public body, incl all boards and commissions, must have open mtgs (open to the public, businesses, government departments...everyone). OML applies to all subcommittees, advisory bodies, mayor and council, county supervisors, inter alia. If a body is in violation of OML, members are personally liable for up to a \$500 fine and commissioners can be removed from the commission. Investigation of violations of OML is generally complaint-driven.

OML components:

Agenda

Agenda and notice of the mtg must be posted absolutely no later than 24 hrs prior to the mtg. City clerk posts four hard copies (3 at City Hal; 1 at City Clerk) and on the BCC (Boards, Commissions and Committees) Web site. Agenda must be specific without being too wordy (e.g. “new business” not enough; must describe agenda items sufficiently for public to understand the nature of the topic and discussion).

Quorum

...is the majority (51%) of authorized membership. Authorized membership is indicated at the creation of the body (such as by resolution, ordinance). If there is no quorum the meeting must not be held. The quorum is based on full membership – regardless of the number of vacancies at the time of the meeting. There had been confusion about this point of clarification at the state legislature until recently. Quorum applies to subcommittees; quorum is majority of the membership of that subcommittee. Subcommittee members are commissioners only, unless bylaws state that non-commissioners are named to subcommittees also.

If it is known in advance that there will be no quorum, cancel the mtg: notify the clerks (permissible to submit the agenda with CANCELLED written across it). If cancellation occurs within 24 hours of the mtg, the notice must be physically posted at the mtg location as well. If quorum is lost during the mtg (eg someone leaves the room and the remaining members are not enough for quorum), the mtg must be recessed until their return; roll call may be taken to document that quorum has been restored. If the person will not return, the mtg must be adjourned. These points about losing quorum during the mtg are not in the ARS (AZ Revised Statute) directly, but they are implied. They apply to commissions because commissions follow Mayor and Council (M&C) rules and regs –where these points *are* spelled out.

Recording devices are permitted during mtgs as long as they do not interfere with the mtg.

Legal Action Report (LAR)

Handled by the commission support staff, and chair is involved. LAR must be posted within three days of a full commission mtg, and within 10 days of a subcommittee or advisory committee mtg. The easiest way to construct the LAR is to follow the agenda. Vote counts need not be shown on the LAR, but they must be shown on the minutes.

Minutes

Law regarding minutes changed in 2007. All public bodies must take minutes, including subcommittees and advisory committees (the latter was part of the 2007 change). Must show date; time; location; who is present and absent; who leaves early or arrives late (noting the time); name anyone who makes a statement or presentation; description of any legal actions and who motioned and seconded them; vote count and whether it is voice vote or roll call, and in cases where there are yays and nays must identify who voted how. No secret ballots are allowed. Minutes are posted at the city and hard copies are kept as public record. Minutes are approved at the next mtg and submitted to the clerks within 2 days of approval.

Voting

Voice vote and roll call vote are both OK; if there is a recess, members return to a roll call. To abstain means to pass on a vote; commissions follow M&C rules regarding abstentions: when a member, in the same mtg, passes (abstains) on a vote, this counts as a YES vote. In the commission setting this is frowned upon, because boards and commissions are looked to to make decisions.

Tabling

Follow Robert’s Rules of Order. Tabled items may be taken up at the same mtg or the next mtg. In the latter case, agendized item may read “Discussion of tabled item <x> from last meeting” or “Item <x> continued from last meeting.

Discussion outside the meeting

Do not have discussions outside the mtg about what we discuss here in the mtg. If there are materials to share, distribute them through the support staff. The exception to this is the case of subcommittees. D McLaughlin re-

emphasized how critical this is. An attorney general opinion in the last two years notes that email can create a quorum unintentionally. Email discussions become meetings “by technological means.” What creates problems is when commissioners communicate with each other directly outside mtgs, rather than through staff.

Placing items on the agenda

The chair sets the agenda and runs the mtg. Members may ask staff to ask the chair to add something to the agenda; the chair can place or remove items. The chair may be asked to add an item before the mtg, but during a mtg no items may be added to the established agenda. During a mtg, there may be an item, “Discussion of future agenda” (recommended). A member can move to place an item on the agenda and if seconded, it goes on the future agenda regardless of the chair’s say. The body as a whole can vote, during a mtg, to remove an agenda item from that mtg. Tonight’s Women’s Commission agenda has an item, “agenda review”: remove this from future agendas and add, at the bottom, an item for discussion of future agendas.

Teleconferencing and videoconferencing

D Rainone will follow up after this mtg by sending the ED guidance on this issue.

Q&A on this presentation:

Q: Requirements in cases of large gatherings where several commissioners might be present?

A: Not considered a mtg as long as it is posted to indicate that it is not a mtg.

Q: Possibility of securing city employees to serve as support staff to one or more commissions, as is done in the City of Phoenix and some other cities?

A: No possibility. Tucson has over 100 boards, committees and commissions, plus the budgetary situation, especially now, does not allow for this; on the contrary, there are reductions in city staff.

Q: Considerations for executive sessions?

A: Executive sessions are situations, such as performance reviews, where the public is excluded. These mtgs must be agendaized as such. D Rainone distributed a one-page handout, *Announcement During Executive Session*.

Q: Can we have access to the M&C rules and regs?

A: D Rainone will follow up after this mtg by sending the ED information.

7) Committee reports - discussion/action

- a. **Women’s issues committee report** - Tabled.

8) Officer and staff reports – discussion/action

- a. **Treasurer report** - Presented by Treasurer D McGlory. Discussion. G Lyle moved to accept the report as submitted; M Mandel seconded. Passed 11-0.
- b. **Executive Director report** - Presented by ED M Mueller, who distributed a written report and commented on report highlights. Discussion. M Mandel moved to accept the report as submitted; M Amoroso-Benedetto seconded. Passed 11-0.

9) New business – discussion/action

- a. **Proposed Youth Committee Chair: Mary Lee Wright** – Ms Wright responded to questions and left the room for the vote. Motion to name Mary Lee Wright as chair of youth issues committee by M Mandel, seconded by M Amoroso-Benedetto. Passed 11 – 0.
- b. **Proposed Youth Commissioner: Desiree Gonzales** – Ms Gonzales’ letter of interest and bio distributed. She introduced herself, answered questions and left the room for the vote. Motion to accept Desiree Gonzales as new youth commissioner by M Mandel, seconded by ML Wright. Passed 11 – 0.
- c. **Ad hoc fundraising activities** – Due to time constraints, this item was tabled to a future mtg.
- d. **Creating a system for making informed decisions about the future of the Commission using the Strategy Revolution model** – M Mandel proposed the need for the commission to adopt a strategic plan using a business model. He moved for commissioners to attend an in-service with himself as

a facilitator following the "The Nonprofit Strategy Revolution" as outlined by author David LaPiana. K Meadows seconds. Passed 11-0.

- e. **Executive Director performance review**– Chair Clarihew distributed performance review questionnaires to all commissioners; questions are Likert scale style with a space for additional comment. Commissioners are requested to mail completed forms in an envelope marked “confidential” to B Popovic before the next full commission meeting or it bring to the next meeting. No legal actions taken or required.

10) **Adjourn** - Adjournment was moved by M Mandel and seconded by K Meadows. Meeting adjourned at 7:30pm.