

DRAFT

CWAC RULES & REGULATIONS

September 5, 2012

I. DUTIES AND RESPONSIBILITIES

1) Chairperson

Shall preside at all meetings of the Committee. In this regard, the chairperson shall:

- a) Preserve order;
- b) Decide all points of order and procedure, subject to appeal to membership;
- c) Declare all votes;
- d) When more than one member wishes to speak, shall determine the order in which the members will speak;
- e) Understand open meeting law requirements, and facilitate compliance therewith;
- f) Represent the committee within and outside of the City organization, including signing correspondence for the committee, or may designate a CWAC member to represent CWAC when appropriate;
- g) Oversee the creation of the committee's annual report, to be submitted to the Mayor and Council by March 1 of each year for the preceding year.

2) CWAC Subcommittees:

- a) Shall appoint at will all members to CWAC subcommittees and name the chairpersons thereof;
- b) May establish any ad-hoc subcommittees as appropriate to further the work of CWAC.

3) Vice-Chairperson

In the absence of the chairperson, shall preside at meetings and represent the committee as described above. If both the chairperson and the vice-chairperson are absent, the committee selects a member from among those present to preside.

4) Subcommittee Chairs

- a) Shall schedule timely subcommittee meetings in coordination with staff to ensure the purposes and functions of the CWAC are carried out;
- b) Shall coordinate with staff to create agendas for those meetings;
- c) Shall preside at those meetings as discussed above;
- d) Shall report to the committee on a regular basis.

5) Members

- a) Members shall come to meetings fully prepared to discuss items on the agenda;
- b) Attendance at meetings:
 1. It is appreciated that CWAC members may not be able to attend every meeting. Attendance at as many meetings as possible will help CWAC to accomplish the purposes and functions for which it was created, and will demonstrate respect for fellow members, respect for the appointing/nominating authority (Mayor

and Council/City Manager), and also respect for Tucson Water customers who are relying on CWAC to represent them.

2. In order to help ensure that a quorum will be present for meetings, members are requested to contact the staff liaison if they know in advance that they will be unable to attend a scheduled meeting.
3. The Mayor and Council have established minimum attendance requirements for members of City committees. A member who misses four (4) consecutive meetings for any reason or who fails to attend for any reason at least forty (40) percent of the meetings called in a calendar year is automatically and immediately removed as a member of the body (see Tucson Code 10A-134 (e).)

6) Public

- a) Citizens attending meetings shall observe rules of propriety, decorum, and good conduct. Any person making personal, impertinent, or slanderous remarks will be requested to leave.
- b) The public will be invited to speak during Call to the Audience. Individual comments will be limited to five (5) minutes. The chairperson may refer comments made during Call to the Audience for subsequent review by staff or the committee. During other parts of the meeting, the public will not be permitted to speak unless recognized by the chairperson.

II. MEETING QUORUMS

- a) CWAC: A majority of the authorized voting member positions, whether filled or not, shall determine the quorum. As CWAC is authorized a total of 15 voting members, 8 voting members are necessary at all times for a quorum.
- b) Subcommittees: At a subcommittee meeting, only business relating to items on the subcommittee agenda will be conducted and only by members of the subcommittee. A majority of the appointed subcommittee members shall constitute the quorum of a subcommittee.
- c) For purposes of information sharing, CWAC members are encouraged to attend meetings of subcommittees to which they are not an appointed member. In such circumstances, the non-member of the subcommittee shall not count toward the quorum, and will participate as a member of the audience (i.e., be allowed to speak at Call to the Audience and when recognized by the subcommittee chairperson).
- d) When a quorum of CWAC is in attendance may discuss or vote on those subcommittee agenda items.

III. MOTIONS and VOTING

- a) The committee chairperson at CWAC meetings (and the subcommittee chairperson at subcommittee meetings) shall not make motions.
- b) Motions may be determined by voice vote, or at the request of any member by roll call.
- c) Abstentions: A member who abstains from a roll call vote will not be counted in the vote total. However, should the vote of that member determine the outcome of the overall vote, the member shall be asked a second time for their vote. Should the

member abstain a second time, the abstention will be counted as an affirmative vote.

IV. OPEN MEETING LAW CONSIDERATIONS

- a) All members shall fully comply with open meeting law as revised from time to time.
- b) Meeting Location: In compliance with open meeting law considerations, committee and subcommittee meetings shall be fully accessible to the public. The facility must have the space to accommodate public attendance, and any member of the public must be able to come in and attend. Meetings may be held in public facilities like the Tucson Water Building, libraries, or community centers.
- c) E-mail Communications: E-mail communication among members of the committee or a subcommittee prior to a meeting about issues facing the committee or a subcommittee is not permissible under the Arizona open meeting law. If committee or a subcommittee members e-mail each other in advance of a committee or a subcommittee meeting to discuss issues relevant to the subcommittee, they are already holding a meeting under the definition in A.R.S. Sec. 38-431(4):
- d) Preparation of Meeting Agendas: Individual members may send one-way agenda requests to the chair through staff (with the chair deciding whether to put it on or not); consultation on future agendas is prohibited, except during a noticed public meeting where such item is on the agenda.
- e) Meeting Participation by Phone or other Electronic Means Prohibited: Participation in City committees or subcommittees by phone or other electronic means is prohibited.

V. RELATIONSHIP BETWEEN CWAC AND TUCSON WATER

CWAC is appointed by, and advisory to, the Mayor and Council. Staff is responsible to the City Manager, who is responsible to the Mayor and Council. Both CWAC and staff have a pervasive, shared responsibility to Tucson Water customers, related to the cost and availability of water for the community.

In their separate roles, CWAC and staff must maintain a respectful and cooperative relationship. Neither CWAC nor staff can accomplish their assigned functions and responsibilities without the assistance and cooperation of the other.

Tucson Water will provide CWAC with full information and transparency with regard to Tucson Water operations, and CWAC will respect the responsibility of the Tucson Water Director to manage staff and the operations of the department.

VI. ELECTION-RELATED ACTIVITIES

- a) A.R.S. Sec. 9-500.14 prohibits the City from using its personnel, equipment, materials, buildings or other resources for the purpose of influencing the outcomes of elections. This prohibition extends to the actions of City committees.
- b) City committees may not invite outside partisan groups to the committee to promote a community-based ballot initiative. Since the City cannot exert control over

outside partisan groups, the City cannot permit such groups to make presentations in its committee meetings without potentially violating the statute.

- c) However, from time to time City committees, such as CWAC, may be permitted and even encouraged to provide information to the public on City-proposed ballot issues. For example, CWAC might be invited to discuss water-related issues with the public before a water revenue bond election. Such presentations must be for informational purposes only, a permissible exception under the statute, and be approved (and therefore controlled) by the city to ensure the presentations remain informational and do not violate the state statutory prohibition.
- d) Committee members are free, as private individuals and not associated with any committee function, to attend outside partisan presentations, to express their opinions privately and publicly, and to campaign for or against any ballot issue on their own time.