

# **TEMPE CITY COUNCIL RULES OF PROCEDURE**

## **RULE 1. GENERAL RULES**

- A. Rules of Journal (City Charter Section 2.10(b): The City Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- B. Written Rules, Order of Business and Procedure: The rules, order of business, and procedure of the City Council shall be in writing and be available to all interested citizens.

## **RULE 2. CONFLICT OF INTEREST**

The provisions of Arizona Revised Statutes (A.R.S.) Title 38, Chapter 3, Article 8, §§ 38-501 to 38-511, inclusive, are incorporated herein by reference. The Mayor or a Councilmember shall make known any “substantial interest” as required by A.R.S. § 38-503 by completing and filing a form provided by the City Clerk with the City Clerk, who shall post the form on the City’s website.

## **RULE 3. CITY COUNCIL MEETINGS**

The City Council shall meet regularly at least once in every month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the Mayor or of four or more Councilmembers. All meetings shall be public, except Executive Sessions which may be held for the purposes allowed by law. Study Sessions, Issue Review Sessions and Special Meetings are permissible to brief Councilmembers on various issues, including the items on the agenda of a City Council meeting. Councilmembers may attend City Council meetings telephonically, or by other technological means. All public meetings and proceedings shall conform to the requirements of A.R.S. Title 38, Chapter 3, Article 3.1, §§ 38-431 to 38-431.09 (“Arizona Open Meeting Law”), inclusive.

## **RULE 4. THE CITY COUNCIL AGENDAS**

Staff Procedure: All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the City Council shall be delivered to the City Clerk, with a copy to the City Manager.

- 1. The Mayor, City Manager and City Clerk shall review the agendas and background information material the week preceding the Council meeting. The City Clerk shall notify the Mayor of any revisions to the meeting agendas that occur after the review. The Mayor has discretion to delete or add items to the agendas, except those items specifically requested by Councilmembers in conformance with these rules.
- 2. The City Clerk shall electronically disseminate copies of the agendas and background material to the Mayor and City Council on the Friday prior to the meetings.

3. The agendas shall be made public in advance of the meeting by posting in accordance with the Arizona Open Meeting Law. Such action shall be taken concurrently with the furnishing of the agendas to individual members of the City Council.
4. Councilmembers may add items to the meeting agendas as follows:
  - a. Regular Council Meetings, Formal Council Meetings, Special Meetings, Issue Review Sessions, and Work Study Sessions: Request by two Councilmembers provided to the City Manager to forward to the Mayor for review. Two of the three Councilmembers in support of the agenda item have approval authority. If approved, the Mayor will notify the City Manager of the agenda item. In addition, an agenda item may be added at the request of the Mayor.
  - b. Committee of the Whole: Request by one Councilmember to the City Manager.
  - c. Late agenda items requested after the agendas have been disseminated may be added in conformance with these rules.

**RULE 5. FORMAL OR REGULAR CITY COUNCIL MEETING ORDER OF BUSINESS**

The Order of Business for a Formal or Regular Council Meeting shall be:

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. MINUTES
  - A. Approval of City Council Meeting Minutes
  - B. Acceptance of Board, Commission and Committee Meeting Minutes
4. REPORTS AND ANNOUNCEMENTS
  - A. Mayor’s Announcements
  - B. City Manager’s Announcements
5. CONSENT AGENDA
  - A. Miscellaneous Items
  - B. Award of Bids/Contracts
  - C. Resolutions
6. NON-CONSENT AGENDA
  - A. Miscellaneous Items/Bids/Contracts/Resolutions
  - B. Ordinances and Items for Introduction and First Hearing
  - C. Ordinances and Items for Second Hearing and Final Adoption
7. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS
8. PUBLIC APPEARANCES – Speakers must be present at the podium. There is a three-minute time limit per speaker. Speaker’s visual aids, and appearances by phone or recordings are not allowed. If you require reasonable accommodation under the Americans with Disabilities Act of 1990, please speak to a staff member of the City Clerk’s Office at least seventy-two (72) hours prior to the meeting.
  - A. Scheduled
  - B. Unscheduled

## **RULE 6. ISSUE REVIEW SESSIONS OR STUDY SESSIONS**

Issue Review Session or Study Session agendas typically include:

1. Call to the Audience
2. Agenda Items for briefing and discussions
3. Formal/Regular City Council Meeting Agenda Items (an opportunity to discuss any agenda items on the Formal/Regular Council meeting agenda on the same date)
4. Future Agenda Items
5. Mayor's Announcements/City Manager's Announcements

## **RULE 7: COUNCIL COMMITTEES**

1. The Mayor may establish, modify, and terminate Council Committees and charge them with their powers, duties, and responsibilities.
2. The Mayor shall appoint and remove the Councilmembers and/or chairperson(s) for each Council Committee, with a limit of no more than two (2) Councilmembers per Committee. The Mayor may also sit on the Committee as an ex-officio member.
3. Only the Mayor and Councilmembers may officially serve on a Council Committee, which may engage staff, stakeholders, and other members of the public to serve as nonvoting members.
4. Council Committees shall include a call to the audience at each meeting.
5. Decisions will be made by consensus of the two Councilmembers, instead of formal voting. The Mayor, in his ex-officio capacity, has the ability weigh in if a consensus cannot be reached.
6. The Council Committee will develop a work plan to guide and focus their work around specific or proposed performance measures. The work plan is subject to annual Council approval by way of consensus at a Committee of the Whole. The Council Committee has the opportunity to return to the Committee of the Whole to request amendments to the work plan or report out on a specific work item.
7. The Council Committee shall provide a written status update on their work plan every (90) ninety days to be included in the Committee of the Whole agenda materials.
8. The Council Committee will report back to the Committee of the Whole and request consensus to move forward with a proposed policy, program, or innovation. Proposed policy, program or innovation shall be consistent with approved work plan and abide by the requirements of the Tempe Involving the Public Manual. If formal approval is needed, the resolution or ordinance shall move to a future Regular Council Meeting.
9. Upon staff implementation of Council policy direction from a Council Committee or a City Manager's Working Group, staff may return with periodic review reports to the Committee and the entire Council. Reports may be by way of memorandum, City Manager's Announcements, or presentation at an Issue Review Session.
10. The Council Committee co-chairs shall determine the agenda for Committee meetings with the staff liaison and consistent with the Committee's work plan.
11. Council Committees are subject to the Arizona Open Meeting Law and may meet at a designated time at least monthly, unless otherwise approved by the Mayor.

## **RULE 8. PRESIDING OFFICER**

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall take the chair at the hour appointed for the City Council to meet and shall immediately call the Councilmembers to order. The presiding officer shall serve as the City Council Parliamentarian. The City Clerk shall enter in the minutes of the meeting the names of the Councilmembers present.

### **RULE 9. TEMPORARY CHAIR**

In case of the absence of the Mayor and the Vice Mayor, the City Clerk shall call the City Council to order. If a quorum is present, the City Council shall proceed to elect, by a majority vote of those present, a Councilmember to preside over the meeting.

### **RULE 10. DECORUM AND ORDER**

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to the City Council.

1. During City Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the Rules of the City Council. Every Councilmember desiring to speak shall address the Chair, upon recognition by the presiding officer shall confine all comments to the question under debate, and shall avoid all personalities and indecorous language. Once recognized, a Councilmember shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order is raised by another Councilmember. If a Councilmember is called to order while speaking, the Councilmember shall immediately cease speaking until the question of order is determined. If ruled to be in order, the Councilmember shall be permitted to proceed. If ruled to be not in order, the Councilmember shall remain silent or shall alter all remarks so as to comply with the rules of the City Council. If the presiding officer fails to act, any Councilmember may move to require the presiding officer to enforce the rules, and the affirmative vote of the majority of the City Council shall require the presiding officer to act.
2. The presiding officer shall have the authority to preserve decorum in meetings. Any remarks shall be addressed to the Chair and to any or all Councilmembers. Without permission from the presiding officer, no staff member, other than the staff member who has the floor, shall enter into any discussion, either directly or indirectly.
3. All persons attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the City Council.

Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the City Council or while attending the City Council meeting, shall be removed from the room if so directed by the presiding officer. Unauthorized remarks from the audience, stomping of feet, whistles, yells, or similar demonstrations shall not be permitted by the presiding officer, who shall direct the removal of such offenders from the room. Should the presiding officer fail to act, any member of the City Council may move to require the presiding officer to enforce the rules, and the affirmative vote of the majority of the City Council shall require the presiding officer to act. Any members of the public desiring to address the City Council shall be recognized by the Chair, shall state their name and city of residence in an audible tone for the record, and shall limit their remarks to the questions under discussion. Any remarks shall be addressed to the Chair and to any or all Councilmembers.

#### **RULE 11. RIGHT OF APPEAL**

Any Councilmember may appeal a ruling of the presiding officer to the City Council. If the appeal is seconded, the Councilmember making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling, but there shall be no debate on the appeal, and no other Councilmember shall participate in the discussion. The presiding officer shall then ask the question, "Shall the decision of the Chair be sustained?" If a majority of the Councilmembers present vote "Aye," the ruling of the Chair is sustained; otherwise, it is overruled.

#### **RULE 12. LIMITATION OF DEBATE**

Without permission of the presiding officer, no member of the City Council or Public shall be allowed to speak more than once upon any one subject until all Councilmembers have had an opportunity to speak, nor for a longer time than five minutes. Citizen groups shall be represented in presentation to the City Council by one of the group's members.

#### **RULE 13. ROLL CALL VOTE**

The roll shall be taken for ayes and nays upon any questions before the City Council. It shall be out of order for members to explain their vote during the roll call. There shall be no additional debate or speaking on the subject after the vote is taken.

#### **RULE 14. MOTIONS TO BE STATED BY PRESIDING OFFICER – WITHDRAWAL**

When a motion is made and seconded, it shall be so stated by the presiding officer before debate commences. A motion may not be withdrawn by the mover without the consent of the Councilmember seconding it.

#### **RULE 15. MOTIONS OUT OF ORDER**

The presiding officer may not at any time permit a Councilmember to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda.

**RULE 16. MOTION TO ADJOURN, WHEN NOT IN ORDER, NOT DEBATABLE**

A motion to adjourn shall be in order at any time, except as follows:

- a. when repeated without intervening business or discussion;
- b. when made as an interruption of a member while speaking;
- c. when the previous question has been ordered; and
- d. while a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

**RULE 17. MOTION TO LAY ON TABLE**

A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a Councilmember voting with the majority of the members present.

**RULE 18. DIVISION OF QUESTION**

If the question contains two or more separate propositions, the presiding officer may, or upon request of a Councilmember, shall, divide the same.

**RULE 19. AMEND AN AMENDMENT**

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.

**RULE 20. RECONSIDERATION**

After the decision on any question, any Councilmember who voted with the prevailing side may move for reconsideration of any action at the same or at the next succeeding meeting, provided, however, a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a 2/3 vote of all Councilmembers, whether present or not, not disqualified from voting by an actual conflict of interest or who abstain from voting due to a potential conflict of interest; but, in no event, by less than four affirmative votes.

**RULE 21. RESCIND**

After the time for reconsideration has expired, any Councilmember who voted with the prevailing side may move to rescind any action. A motion to rescind shall require a 3/4 vote of all Councilmembers, whether present or not, not disqualified from voting by an actual conflict of interest or who abstain from voting due to a potential conflict of interest; but, in no event, by less than four affirmative votes.

**RULE 22. SUSPEND THE RULES**

These Rules may be suspended with previous notice by a 2/3 vote of all Councilmembers, whether present or not. A motion to suspend these Rules without previous notice shall require unanimous

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consent, whether present or not.

**RULE 23. AMEND THE RULES**

These Rules may be amended with previous notice by a 2/3 vote of all Councilmembers, whether present or not. A motion to amend these Rules without previous notice shall require unanimous consent, whether present or not.

**RULE 24. WHAT OTHER RULES SHALL GOVERN**

The rules of parliamentary practice, comprised in Robert's Rules of Order, latest edition, shall govern the City Council in all cases to which they are applicable, provided that they are not in conflict with these Rules or with the Charter of the City of Tempe.