

# **ANATOMY OF A COUNCIL MEETING**

Prepared by

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*This publication was established to act a general guide to municipal council meetings in Arizona. This is only a general guide so we recommend that you consult your charter or code for specific meeting rules and procedures in your city or town.*

## **PREPARING FOR A COUNCIL MEETING**

**COUNCIL PROCEDURES** - Each city and town should adopt procedures to govern the conduct of council meetings. We recommend adoption of your own rules rather than following Robert's rules of order since they were not written to cover legislative bodies like city and town councils. Procedures should include the basics of how the meeting will be conducted but also may include such items as council decorum.

**CALLING THE MEETING** - State law requires that cities and towns by ordinance specify when their regular meetings will be held. Special meetings may be called by the mayor; in some cities and towns an ordinance or council procedures may specify that a certain number of councilmembers (often three) may call a special meeting.

**NOTICE** - Notice requirements are specified in the state open meeting law and in some cities and towns by charter, ordinance or council procedures. A disclosure statement must be posted on the website and identify the physical and electronic locations where public notices will be posted. Additionally, a separate notice for each meeting must be posted on the city/town website and the physical locations specified in the disclosure statement at least twenty-four hours prior to the meeting. However, only one notice is required if regular meetings of the council are held on the same day, time and place for a specified calendar period. For example, the notice may say that regular meetings of the council will be held the first and third Thursday of each month at 7 p.m. at Town Hall. By doing this, you are not required to separately notice each regular meeting, but it must include where the public can access the meeting agendas at least twenty-four hours prior to the meeting. The city/town clerk is usually charged with the responsibility for posting these notices.

**AGENDA** - Each meeting must have an agenda specifying what will be discussed and/or acted upon at the meeting. The agenda must include sufficient detail so that a member of the public can know what the council will discuss and be able to decide if they want to attend and listen. Discussion and action are limited to what is included on the agenda. Under the open meeting law, the agenda must be available to the public at least twenty-four hours in advance of the meeting. Who decides what will be included on the agenda is usually specified by city/town ordinance, charter or council procedures. In some cities and towns, the mayor in consultation with the city/town manager decides what is on the agenda. Some cities and towns allow individual councilmembers to place items on the agenda while in others it takes two or more councilmembers to have something included on the agenda.

Council procedures often allow use of a consent agenda for routine, non-controversial items on the agenda. This allows these items to be passed with a single motion, second and vote rather than consideration of each separately. Council procedures usually allow any member of the council to remove an item from the consent agenda. If removed, the item will be subject to individual discussion and a vote.

**MAYOR AND COUNCIL PREPARATION FOR A MEETING** - Each member of the council should make it a personal priority to review the agenda and accompanying materials prior to the meeting. Council procedures usually specify when the agenda will be distributed to the council, and it should allow sufficient time for complete council review. In some cities and towns, a work session is held prior to each meeting to address questions of council on agenda items and to allow for an in-depth briefing. In others, councilmembers are encouraged to contact the city/town manager with questions prior to the meeting. Members of the council should do their homework prior to the meeting. Contact the city/town manager or those designated by the manager to handle questions on agenda items and avoid playing “gotcha” with the staff. At the meeting it is important that proper decorum be observed by the council. Members should raise their hands or otherwise indicate to the mayor that they wish to be recognized for discussion of an issue and wait until they are recognized before speaking. The council is conducting the business of the public and the mayor and members of the council should treat other members with courtesy and conduct the meeting in a way that indicates the seriousness of the task.

**PHYSICAL ENVIRONMENT FOR THE MEETING** - All meetings must be accessible to the public. This means that the meeting room is sufficient to hold members of the public who wish to attend and physical accommodations are provided for those with disabilities. If an overflow crowd is expected, additional preparations should be made such as moving the council meeting to a larger site, arranging for closed circuit broadcast of the meeting or broadcast of the audio portion of the meeting. The meeting setup should be sufficiently formal to indicate that the public’s business is being conducted in a proper manner. Audience members should be able to hear all of the proceedings which may require microphones and speakers. Name placards should be placed at each council seat identifying by name the mayor and each member of the council so that the public can know the name of each member speaking.

## **SAMPLE AGENDA**

The following is a sample agenda format. Individual cities and towns may have specified the format of their agendas by ordinance or council procedures which may differ from that below. Each city and town can design its own agenda format but in the absence of a local model we found this example to be thorough and user friendly.

### ***SAMPLE AGENDA FORMAT***

***CITY/TOWN COUNCIL REGULAR COUNCIL MEETING AGENDA***  
***LOCATION OF MEETING BY ADDRESS, NAME OF BUILDING AND ROOM***  
***DATE AND TIME OF MEETING***

***NAMES OF MAYOR, VICE MAYOR AND MEMBERS OF THE COUNCIL***  
***(INDICATE HERE IF ANY OF THE MEMBERS WILL BE ATTENDING ELECTRONICALLY)***

***ACTION MAYBE TAKEN BY THE COUNCIL ON ANY ITEM LISTED ON THIS AGENDA.***  
***Revisions to the agenda can occur up to 24 hours prior to the meeting. Revised agenda items appear in italics.***

***As a courtesy to others, please turn off or put in silent mode all cell phones.***

**MEETING TIMES**

*Welcome to a meeting of the City/Town Council of \_\_\_\_\_. Regular Council meetings are usually held the first and third Tuesday of each month at 7:00 p.m. (Insert your dates and time) at the City/Town Hall at the address listed above, although the date or time may change, or Special Meetings may be called at other times and/or places. Contact City/Town Hall, check the City/Town’s website or watch for posted agendas for other meetings. This agenda may be revised up to 24 hours prior to the meeting, and a new agenda will be posted in place of this agenda.*

**SPEAKING AT MEETING**

*If you are interested in speaking to the Council during Call to the Public, Public Hearings, or other agenda items, you must fill out a speaker card (located in the lobby outside the Council Chambers) and deliver it to the City/Town Clerk prior to the convening of the meeting. Each individual will be limited to \_\_\_\_\_ minutes for their remarks.*

*All persons attending the Council meeting, whether speaking to the Council or not, are expected to observe the Council Rules, as well as the rules of politeness, propriety, decorum and good conduct. Any person interfering with the meeting in any way, or acting rudely or loudly will be removed from the meeting and will not be allowed to return.*

**ACCESSIBILITY**

*To better serve the citizens of \_\_\_\_\_ (name of city or town) and others attending our meetings, the Council Chambers are wheelchair and handicapped accessible. Any person who, by reason of any disability, is in need of special services as a result of their disability, such as assistive listening devices, agenda materials printed in Braille or large print, a signer for the hearing impaired, etc., will be accommodated. Such special services are available upon prior request to the City/Town Clerk at least 10 working days prior to the Council meeting.*

**AGENDAS**

*Copies of the agenda are available the day of the meeting in the lobby outside the Council Chambers or online at (insert city or town’s website or the League’s website and where agendas can be found on the website). For questions about the Council meetings, special services or procedures, please contact the City/Town Clerk at (insert telephone number and/or e-mail address).*

## **OVERVIEW OF A REGULAR COUNCIL MEETING**

**CALL TO ORDER AND ROLL CALL** - The mayor calls the meeting to order by saying “The meeting of the City/Town Council of \_\_\_\_\_ is called to order.” In the absence of the mayor, the vice mayor usually calls the meeting to order and in the absence of both of them, the city/town clerk may call the meeting to order unless a different procedure is specified in your Council Procedures. The roll call is usually handled by the city/town clerk who calls the name of each member with the members acknowledging the roll call by saying “present.”

**PLEDGE OF ALLEGIANCE, INVOCATION, MOMENT OF SILENCE** - Starting the meeting with a pledge of allegiance is customary but not required. Including a non-denominational invocation or moment of silence is optional to the community. Some cities and towns invite local religious leaders to deliver the invocation and in others the invocation is delivered by the mayor or members of the council.

**CALL TO THE PUBLIC** - At this time any member of the public is allowed to address the City/Town council on any issue not already on the agenda. Each speaker must be allotted the same amount of time to speak. Any persons wishing to address the council must complete a speaker card located outside the Council Chambers and deliver it to the Clerk prior to the commencement of the meeting. This requirement is to allow the Clerk to properly record the name of every speaker in the minutes. Pursuant to the Arizona Open Meeting Law, at the conclusion of Call to the Public, individual members of the council may respond to personal criticism made by those who have addressed the council, may ask staff to review the matter, may ask that the matter be placed on a future agenda or may take no action.

**PROCLAMATIONS** - Include information on any Proclamations before the council for approval. Proclamations often designate a day or week to recognize a particular person or group or other such honorary occasion.

**MAYOR AND COUNCIL REPORTS: SUMMARY OF CURRENT EVENTS** - The mayor or members of the council may report on current events. The council will not discuss or take action on any current event summary.

**CITY/TOWN MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS** - The City/Town Manager may report on current events. The council will not discuss or take action on this report. If a municipal employee other than the manager wants to report on a matter, a separate agenda item must be listed.

**CONSENT AGENDA** - The Consent Agenda contains items requiring action by the council which are generally routine and which do not require council discussion. A single motion will approve all items on the Consent Agenda, including any resolutions or ordinances. A member of the council may remove any issue from the Consent agenda, and that issue will be discussed and voted upon separately, immediately following the vote on the Consent Agenda.

Agenda items such as approval of minutes, final approval of ordinances discussed at previous council meetings, final approval of intergovernmental agreements, vacating right-of-way and other routine matters may be included on the Consent Agenda. Each item included needs to be described and listed separately for the information of the public and members of the council in case they want to remove the item from the Consent Agenda and have it discussed and voted on separately.

**BOARDS, COMMISSIONS AND COMMITTEES** - City/Town Boards and Commissions may report to the council and from time to time there may be a need to appoint one or more members of a city/town board, commission or committee. The matter to be reported or the vacancy to be filled needs to be identified on the agenda for action to be taken.

**PUBLIC HEARINGS** - Prior to action on some issues, a public hearing is required by state law. Special notice is sometimes required for such hearings. The mayor and council may hold a public hearing on other issues as well. A variety of procedures are used to make public hearings productive including individual and overall time limits. These should be specified in council procedures, and the same rules should apply to all public hearings. Particularly when a public hearing is required for example on certain zoning issues, members of the council should be cautious in declaring their position until the hearing is concluded and the item is up for action by the council.

**ITEMS FOR DISCUSSION/POSSIBLE ACTION** - List here with full explanation the action items on the agenda. The explanation on the agenda should be sufficient to inform a member of the public as to the subject to be discussed and possible action to be taken. Although questions and statements by the council are to be encouraged, members should be wary of dominating the discussion, interrupting other members or failing to wait to be recognized by the mayor before speaking. To begin discussion of an agenda item, the mayor should announce the agenda item and briefly describe the subject to be discussed. Discussion of the item may begin with a presentation by staff of the proposed action; the agenda should identify who will do the presentation. Following staff presentation, the council usually discusses the issue. If an ordinance or resolution is involved, then a formal motion - "I move that we adopt Ordinance # 1 relating to (the subject of the ordinance)", a second - "I second the motion" and a roll call vote the mayor may say "the council will now vote on Ordinance #1; will the clerk please call the roll" are required. Following the vote, the mayor will announce the results of the voting - "Ordinance #1 relating to \_\_\_\_\_ is approved." A majority of the quorum must approve the ordinance or resolution. In some limited situations, state law requires an extraordinary vote - more than a majority - of the council for passage. If the mayor or any member of the council has a conflict of interest, the individual should declare the conflict and refrain from participating in any way in the discussion and not vote on the issue. See the definition of terms section of this report for what constitutes a conflict of interest. Some cities and towns require more than one reading of an ordinance; absent such a requirement an ordinance can be introduced and passed at the same meeting.

**EXECUTIVE SESSIONS** - List here any executive sessions (closed sessions of the council) that will be held citing the section of the Arizona Revised Statutes which authorizes the topic to be discussed and with information to tell the public in general terms what will be discussed. Only certain subjects can be discussed in executive session as specified under the Arizona Open Meeting Law. No legal action can be taken during an executive session. If action is desired on an executive session agenda item, it must be included on the agenda for action as well as being listed under executive session. Before recessing into executive session, the council must vote to hold the executive session. Some councils vote to approve the executive session immediately prior to convening while others include such authorization on the previous agenda. Timing of when to hold the executive session should also be considered. If no action is to be taken on items discussed during the executive session, you may want to schedule it for the end of the meeting after all other business is concluded so that members of the public do not have to wait for the regular meeting to reconvene.

Since it is not always clear if your council will require legal advice on an agenda item, you may include a general statement on your agenda for this executive session provision. We have included sample language as an example.

Executive Session pursuant to A.R.S. §38-431.03 (A) (3). Council may ask for discussion or consultation for legal advice with the City/Town Attorney concerning any matter listed on this agenda.

**ADJOURNMENT** - Unless your rules of procedure specify otherwise, the mayor can adjourn the meeting or a member of the council may make a motion to adjourn, another member may second that motion and the council may vote to adjourn. Some cities/towns set a time beyond which new agenda items will not be considered to encourage efficient use of time and recognizing that long meetings are difficult on members of the council and the public. A meeting can also be continued provided that the time and place of the reconvened meeting is announced before adjournment and additional notice is given.

## **MEETING MINUTES**

Minutes must be prepared for each meeting of the council regardless of type of meeting. For meetings other than executive sessions, the minutes are required to include:

1. The date, time and place of the meeting.
2. The members of the council recorded as either present or absent.
3. A general description of the matters considered.
4. An accurate description of all legal actions proposed, discussed or taken, the names of members who propose each motion and the recorded vote of each council member. The minutes also must include the names of the persons, as given, making statements or presenting material to the council and a reference to the legal action about which they made statements or presented material.



Minutes of executive sessions must include the information specified in items 1, 2 and 3 above, an accurate description of all instructions given when the executive session is held to instruct the city or town attorney on contracts that are the subject of negotiations, on pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve negotiations, to instruct representatives of the council who are designated to negotiate with public employee unions or employee organizations or to instruct its representatives on the purchase or sale of property. Minutes of executive sessions are confidential.

The minutes or a recording of a meeting must be available for public inspection three working days after the meeting. If your city or town has a population of more than 2,500 persons, within three working days after a council meeting, you must post on the city/town website either a statement describing the legal actions taken by the city or town council during the meeting, including a record of how each member voted on the action item or a recording of the meeting. In addition, within two working days following approval of the minutes, you must post approved minutes of the city or town council meeting on your official website.

## **DEFINITION OF TERMS**

**QUORUM** - a majority of the members of a city or town council constitutes a quorum. Thus if there are seven members of your council, four members must be present in order to conduct business. If there are five members of your council, three members must be present in order to conduct business. If there are vacancies on your council, then the number may be reduced. For example, if your council has seven members and two members have resigned, then the quorum drops to three.

Absent a special requirement such as in certain zoning matters or a special city charter requirement, a majority of the quorum can pass ordinances and take other action. This means that if only four members of your seven member council are present, three affirmative votes are sufficient to pass an ordinance or take other action.

**MEETINGS** - all meetings with the exception of executive sessions are open meetings and must comply with the notice and agenda requirements of the open meeting law.

**REGULAR MEETINGS** - city or town councils usually establish a schedule for regular meetings of the council. Most meet twice a month for regular meetings at a specific time and place. This allows a single notice to be posted both on your website and at the physical location designated for city/town notices. An agenda for the regular meeting must be posted at least twenty-four hours in advance of the meeting.

**SPECIAL MEETINGS** - special meetings may be called at any time with at least twenty-four hours' notice. Local ordinance, custom or council procedures usually specify who can call a special meeting in your city or town. An agenda for the special meeting must be posted twenty-four hours in advance of the meeting.

**WORK SESSIONS** - some cities and towns use the term “work session” to describe a special meeting called to prepare the council for a regular meeting. Such meetings can be helpful particularly when complicated issues are to be considered at a regular meeting that may need extensive discussion or generate multiple questions from members of the council. Work sessions must follow all of the requirements under the open meeting law including those for notice and agenda. Some councils distinguish between regular meetings and work sessions in allowing public comment.

**EXECUTIVE SESSIONS** - these meetings are not open to the public and only the council and staff and others necessary to the discussion of the topic to be covered may attend. The open meeting law specifies very limited subjects that can be discussed in executive session. Twenty-four hour notice requirements still apply as do agenda requirements although the latter should not be so detailed as to defeat the reason for the executive session.

**CONFLICT OF INTEREST** - state law defines what is a conflict of interest in A.R.S. §38-502 by specifying what is a permitted “remote interest” and providing that any other proprietary or pecuniary interest in a decision constitutes a substantial conflict which must be disclosed and from which the official with the conflict must refrain from discussion and voting. Remote interests exist when the public officer or employee or a relative is:

1. A non-salaried officer or member of a nonprofit corporation. Thus, being a non-salaried officer or a member of a nonprofit health agency doing business or requesting a grant from the city or town technically would not constitute a conflict.
2. The landlord or tenant of a contracting party. For example, a council member may lease office space to a party that has a private interest in a public matter without it resulting in a conflict of interests.
3. An attorney of a contracting party. For attorneys who serve on council or as a member of any other public body or as employees of a public body there may be State Bar ethics rule which could restrict their actions.
4. A member of a nonprofit cooperative marketing association.
5. The owner of less than three percent of the shares of a corporation with an interest in a matter with the city or town, provided that:
  - a. Total annual income from dividends, including the value of stock dividends, does not exceed five percent of the officer's or employee's total annual income; and
  - b. Any other payments made to the officer or employee by the corporation do not exceed five percent of the officer's or employee's total annual income.
6. Being reimbursed only for actual and necessary expenses incurred in performance of official duties.

7. Receiving municipal services on the same terms and conditions as if the person were not an officer or employee of the municipality. Thus, when a council member who owns a business within the city or town votes for or against an increase in the business license tax, a conflict would not exist because this action would apply to all businesses in the corporate limits.
8. An officer or employee of another political subdivision, a public agency of another political subdivision, or any other public agency unless it is the same governmental entity being served who is voting on a contract or decision which would not confer a direct economic benefit or detriment upon the officer. Thus, a council member who is a school teacher may vote to enter into an intergovernmental agreement with the school district, unless such agreement would confer some direct economic benefit, such as a salary increase, upon the council member.
9. A member of a trade, business, occupation, profession, or class of persons and has no greater interest than the other members of that trade, business, occupation, profession, or class of persons. A class must consist of at least ten members to qualify the interest as remote.
10. A relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.
11. The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.

In general, a conflict of interest will result when an officer or employee of a city or town or relative of an officer or employee is involved in substantial ownership or salaried employment with a private corporation doing business with the city or town. For example, if a council member owns or is employed by a lumberyard selling to the city, then a conflict may exist. On the other hand, if the council member is the lawyer for that lumberyard, or if the council member leased land to the lumberyard, then it is possible that no conflict exists.

## **OTHER RESOURCES TO CONSULT**

A number of League publications cover in more detail the topics discussed in this report. These publications include:

- You As A Public Official
- Guide To Preparing And Adopting Local Laws
- What All Newly Elected Officials Need to Know

These publications can be ordered by calling the League of Arizona Cities and Towns at 602-258-5786 or downloaded from the League website at [www.azleague.org](http://www.azleague.org).