

TOWN OF FOUNTAIN HILLS
MINUTES OF THE WORK SESSION
OF THE FOUNTAIN HILLS TOWN COUNCIL
JANUARY 20, 2026

A Work Session of the Fountain Hills Town Council was convened at 16705 E. Avenue of the Fountains in open and public session at 4:00 p.m.

Members Present: Mayor Gerry M. Friedel; Vice Mayor Allen Skillicorn;
Councilmember Gayle Earle; Councilmember Brenda J. Kalivianakis;
Councilmember Rick Watts; Councilmember Hannah Larrabee; Councilmember
Peggy McMahon

Staff Present: Town Manager Rachael Goodwin; Town Clerk Bevelyn Bender,
Town Attorney Jennifer Wright



Post-Production File

**Town of Fountain Hills
Work Session
January 20, 2026**

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MAYOR FRIEDEL: I'm calling this work session in order. Can we get a roll call, please, Town Clerk?

TOWN CLERK: Mayor Friedel?

MAYOR FRIEDEL: Present.

TOWN CLERK: Vice Mayor Skillicorn?

VICE MAYOR SKILLICORN: Here.

TOWN CLERK: Councilmember Earle?

COUNCILMEMBER EARLE: Present.

TOWN CLERK: Councilmember Kalivianakis?

COUNCILMEMBER KALIVIANAKIS: Here.

TOWN CLERK: Councilmember Watts?

COUNCILMEMBER WATTS: Here.

TOWN CLERK: Councilmember Larrabee?

COUNCILMEMBER LARRABEE: Here.

TOWN CLERK: Councilmember McMahon?

COUNCILMEMBER MCMAHON: Here.

TOWN CLERK: Mayor, you have a quorum.

MAYOR FRIEDEL: Thank you.

COUNCILMEMBER MCMAHON: I have a statement to make, please.

MAYOR FRIEDEL: I'm sorry?

COUNCILMEMBER MCMAHON: I have a statement to make, please.

MAYOR FRIEDEL: Okay.

COUNCILMEMBER MCMAHON: I'm on the record objecting to this work session, because I went back and I looked at the -- the meeting, and after the vote, it was discussed that we might bring call to the public back and revising that section of the rules of procedure. As far as I know, we did not authorize or direct any other revisions to the rules of procedure.

In addition, it looks like a committee or something was formed to do this that lacks transparency that I wasn't told about. I don't have an opportunity to participate in that.

And I don't think that that's appropriate. And I think that we should not have this work session and move it to another work session, or set up another committee so we all have a -- so we have an opportunity to participate in the revisions other than this in public.

MAYOR FRIEDEL: Thank you. Your comments are noted.

Councilwoman Larrabee?

COUNCILMEMBER LARRABEE: Thank you. I just wanted to state for the record that according to our policies as a council, three councilmembers could have theoretically just asked for this to be on an agenda without a work session. And instead, we are going through a more thorough process, having a work session, having a discussion about it. My fellow councilmember is more than welcome to vote against it, but I believe her objection is silly.

MAYOR FRIEDEL: Councilwoman Earle?

COUNCILMEMBER EARLE: Thank you, Mayor.

I just want to make it clear that I am the one who asked two other councilmembers to meet. I -- I viewed it -- reviewed this with our -- got legal advice from our town attorney to make sure that this was okay. I requested the -- the town manager and the clerk be there as well, so we could do a thorough look through here and bring it back to council. And that's what we're doing today, is we are sharing it with the entire council in front of everybody.

MAYOR FRIEDEL: Councilperson Kalivianakis?

COUNCILMEMBER KALIVIANAKIS: Thank you, Mr. Mayor.

Yeah. Just to kind of weigh in, I think it's certainly appropriate to have this --this workshop to discuss the call to the public, because that was, as I recall, put on the agenda. I don't recall -- or I was never notified as a councilmember that there were three people that wanted to add additionally to what was going to be discussed today. I know when three councilmembers ask for something to be put on the agenda, and when one reneges, it's been a common practice in the past that you can't renege once you've set it on the statement, on the dais, that you want something on the agenda. You

can't withdraw that comment. It's going to be put on the next agenda.

So it does make sense to me, today, maybe we should talk about the call to the public. And then the other thing I'd just like to point out is just -- just a -- and order of just of business is there's a lot of confusion on this, this hundred page draft that we're looking at today. All weekend long, I was looking at an 800, 900 page draft that I couldn't make any sense out of, and I was one of the people that said, I can't understand what we're talking about here. And so I was given today the -- the hundred page redline, which I went through as well as I could, but I feel like I would be more prepared if we did this in two weeks so I could go through it more thoroughly, make more -- better notes, and so we can have a better discussion of, you know, the pros and cons of what the committee that you put together had suggested. And so I could -- we could have just a better communication. So I just put that out there.

MAYOR FRIEDEL: That's noted. And we are going over this tonight. We're going to make any changes necessary and then it will appear on an agenda. So we have plenty of time to go over it, plenty of time before it hits an agenda. So if I found the time to go through the document, I think everybody would have the time. Plus, you did get the -- the updated version of that.

Councilman Watts?

COUNCILMEMBER WATTS: Just a point of clarification. This is phase one of probably multiple phases. The only thing we really looked at was call to the public and decorum. So we didn't go any further than that. What you may interpret as changes or not, they're really formatting, that cleaned up the formatting, made it easier to follow, but the rest of the document, exclusive of call to public, decorum, has remained untouched. There's a lot of grammatical errors, there's a lot of shoulds and mights and coulds and that sort of thing that we're going to have to address at a later time. So this is focused on call to the public.

MAYOR FRIEDEL: Councilwoman Larrabee?

COUNCILMEMBER LARRABEE: Yes. Thank you, Mayor. And I wanted to echo my fellow councilmember's comment that, yes looking at the redline, it is a longer document

because part of it is the text color changed to black. So when -- when you have redlines that are that extensive, but it's a formatting thing, so that when you print it it's not super light gray, which is actually what happened when we had our first meeting on this, the -- the formatting ends up looking silly. So when you say, oh yes, this was a hundred page document, it's a little dishonest. Our -- our packet is sixty pages total. There's forty-seven pages of the actual rules of procedure draft. So, no, we didn't just drop an 800-page document on anybody. We're not Congress.

COUNCILMEMBER KALIVIANAKIS: And just -- just one more clarification. And that is on page 54, under Rules of Decorum B-4, it says a councilmember, once recognized, shall limit remarks to no more than two minutes, should not be interrupted while speaking unless the call of order by the presiding officer. So limiting our conversation to two minutes is more than just a small minor change. That's -- that's -- the way I read this, that when we discuss an agenda's item, we're limited to two minutes, one minute less than the call to the public. That's not just a formatting change. That is a significant substantive change.

MAYOR FRIEDEL: Noted. Can we move forward now with our discussion, town attorney? Thank you.

TOWN CLERK: Mayor, we're going to ask the town attorney to step to the podium here, mostly so that she can get behind the wheel, drive, if you want to call it that, so that she can manage the main screen so that the public can hear what's going on. Those that may be watching from home can also. You'll see, obviously, our left screen will move along with that. Your primary screen, if you click the middle tab, also has a version of the document for you guys that you can move yourself as well.

MAYOR FRIEDEL: Thank you.

TOWN CLERK: Absolutely. Thank you.

TOWN ATTORNEY WRIGHT: Thank you, Mayor. Thank you, councilmembers.

So as you recall on November 18th, 2025, we had the meeting in which we decided to remove the call to public. The reasoning for that was based off of the complaint that was filed, that had concerns with the statements that were made during -- a constituent

making statements, as well as councilmembers. In order to restore the call to public, we needed to make sure that the civil rights of all the people who present in front of -- present comments are maintained, as well as decorum is maintained.

So the -- the rules here were functioning on the decorum. That's what we looked at. I made the changes as requested by the members that met in the committee. And so the first few pages, and as I mentioned when I emailed out an electronic version of this document, and going back to the -- the email of it, I -- I was today years old when I found out that you can actually not print the formatting changes. So I learned that from the IT specialist here. I did not know that, I'm a lawyer, but I'm not an IT specialist. And so I was today years old when I found out you could just remove those. So I apologize that when it was sent to print, it included all the formatting changes.

And to just back up as to why there was a problem is the previous attorney for the town did not provide an electronic version of the -- of the rules of procedure, so the rules of procedure were then scanned via OCR into a word document, and it created a bunch of problems. And so I had to then take the entire document, put it in a brand new document, and start over. And that's why it looks like there are so many changes.

So, again, I apologize that the document -- again, I gave you the electronic format so you could visually go through, printing it then would have been the long document. And today our wonderful IT staff, Mike -- I can't pronounce his last name, Cicerone -- sorry, I'm not good -- Cicerone. Thank you. I apologize, I'm really bad with names -- was able to make it so it was a more readable document in a printed format. But again, when we sent this out, we sent an electronic version so that you could see all the changes that were made. And I wanted to be very transparent in the changes that were made.

We added a table of contents -- or, I'm sorry, a title page. Again, many of the changes that we are suggesting -- that were suggested actually were coming from the City of Scottsdale's rules of procedure. So we adopted many of the things that they -- they have that are working because we want to make these council meetings more functional, to make sure that we go through, and everyone's able to provide input and comment and that -- but we maintain decorum. And so that was the purpose of

updating the rules of procedure.

So we added the title page that has all of the various dates and times of changes. And actually now that I think about that, where it says amended, I don't know, that's going to be amended on February 3rd, 2026, but that was a placeholder for when it's set to be on the agenda. So we added a table of contents to make it more readable. And that in and of itself took seven pages. Anyway, so then we added the rules of procedure. And again, you'll notice that because of the OCR errors, things like on this first page you can see that there's a -- on -- on letter C, it had O-Garland or Garfield Jones and it should have been an O. So there was lots of various changes like that where there was typos due to the OCR from the PDF to Word. So that was one of the changes.

Other than that, I don't believe there's any changes other than formatting changes in these first few pages. Go through this. And like I said in the email that I sent out, I would be going over all these changes here so that you guys can see what was changed. So, all right, starting on the regular meetings, we had to add back in that the council may add a call to a -- public to regular meetings. So that's the first change in 3.1A, and so that statement was added. The council may provide for it.

On -- on 3.2, I believe this was in the previous version, as well, when we had the call to the public, the reconvened meetings do not provide for a call to the public. So that was added back in.

Same with the special meetings, would not provide for a call to the public. They -- they never have. They didn't prior to the other -- the original rules of procedure. And so that was added back in here as well.

Let's see. And then same -- and I'm not sure if that's an actual change where it says, other than consensus or conveying directions to staff or for further action. I think that was already there. I know it says -- shows red there. But I think that that in -- there was some -- sometimes not all the -- because of the -- it was a compare document, I don't believe that there was any major change in the previous language that was there.

But work sessions have also never had a provide -- provide -- provided for a call to the public, so that was added back in.

And same with executive sessions. I did make clear that those are already closed to the public, but -- and that actually -- that statement wasn't in the original rules -- rules of procedure. But just to clarify, I mean, I think everyone here in the council understands that they're not open to the public, and there's no call to public, but just to be transparent so the public understands that.

And then emergency meetings prior to the -- you know, when we had call to the public before, also did not have a call to the public.

We did add in -- and this was -- again, this is part of decorum, and part of the, you know, the operation of the meetings, and that was really the focus, was adding in that, of course, members of the media are welcome to attend events. And we made clear that meetings should be live streamed because that was nowhere else written in. We already do that. And recordings are archived. That's to make clear, too, that those are available to any member of the media who wants to take information from those. And then we added to it that if members of the media want to come here using professional audio/visual equipment to notify the town manager and get approval. Part of that, too, is also because that can be disruptive to the meeting, especially if you have multiple outlets that are -- Mr. Mayor, there's -- do you want to --

MAYOR FRIEDEL: Do you want to field questions as you go?

TOWN ATTORNEY WRIGHT: That's up to you, Mr. Mayor.

MAYOR FRIEDEL: Councilwoman?

COUNCILMEMBER MCMAHON: Thank you very much.

I have a problem with this provision constitutionally because freedom of the press is guaranteed by the First Amendment, which states that Congress shall make no law abridging the freedom of speech or the press, ensuring that government can't control the media, enabling it to inform the public and hold power accountable. Under A.R.S. 38-431, it states that any recording, any -- you know, any recording of the meeting can be done by anyone. We record it, the public records it, the press records it. I have not seen any interference by a press or a camera or anything. To me, I've watched them, they've sat there, they've held the camera, they've been very, very careful.

Why are we singling out the press?

TOWN ATTORNEY WRIGHT: It say any professional equipment. It says --

COUNCILMEMBER MCMAHON: If we --

TOWN ATTORNEY WRIGHT: -- anyone -- anyone who wants to use professional audio or video equipment -- I guess we should change that to members of the public. We can change that from members of the media. But if it's using professional --

COUNCILMEMBER MCMAHON: I don't think --

TOWN ATTORNEY WRIGHT: -- equipment --

COUNCILMEMBER MCMAHON: -- think it's necessary. I really, really don't. I haven't seen anything like that happen. As a general rule, they don't interfere. And I think that this is unconstitutional. And I went and I looked at the Reporters Committee for Freedom of the Press, and in Arizona, it says all or any part of a public meeting or public body may be recorded by any person in attendance by means of tape recorder, camera, or any other means of sonic reproduction, provided that there is no active interference. I have -- again, I haven't seen it.

The press understands this, and I believe that they abide by it. Under state law, there's no pre-approval --

MAYOR FRIEDEL: Do you -- I'm sorry, Councilwoman. Do you have a question?

COUNCILMEMBER MCMAHON: Yes, I do. I'm making a comment, please. Thank you.

So I -- I'm wondering why again that you're requiring or trying to require that the press get pre-written approval because that to me is a hindrance to them reporting. And I -- and I think it's unconstitutional. I don't think it's something we can do. I don't think it's something we want to do. And I'm -- I'm not for this at all. I don't -- I don't think -- I think you're setting us up for a constitutional conflict and possibly a lawsuit.

MAYOR FRIEDEL: Thank you.

Councilwoman Earle?

COUNCILMEMBER EARLE: Yeah, I would -- I would like to request that we hold all questions to the end, or -- if we stop at every little thing, it's going to -- we're not going to have time here. So I would like us to hold the questions till the end and be able to

hear everything.

COUNCILMEMBER MCMAHON: I think that would be really confusing.

COUNCILMEMBER EARLE: Well, if we take notes, we'll know what things we have questions with.

COUNCILMEMBER MCMAHON: I think that would be really, really confusing.

COUNCILMEMBER EARLE: Do we need to take up a -- okay.

COUNCILMEMBER MCMAHON: This is a work session.

COUNCILMEMBER EARLE: I'm sorry, I'm speaking to the Mayor.

MAYOR FRIEDEL: This isn't -- this isn't a back and forth. Please stop.

COUNCILMEMBER EARLE: Mayor, can we -- if we need to take a vote on that, can we do that?

MAYOR FRIEDEL: We -- we can. Vice Mayor?

VICE MAYOR SKILLICORN: Thank you, Mr. Mayor.

Town Attorney Wright, is this your recommendation?

TOWN ATTORNEY WRIGHT: I -- I -- see, it's my recommendation that you have some way to be notified in advance when there's going to be professional audio and video equipment. There's nothing saying you can that -- which shall be granted, which is fine. There's nobody saying they're not going to.

But we had instances where we've had people -- you don't know whose equipment it is, you don't know why they're here, you could have ten cameras here at once. It's many -- many -- courtrooms do this, other -- other government agencies do this where you limit -- so you can limit the number. There's nothing saying -- nothing in here says that they would be denied. It's just that they get approval so you know in advance. It's for orderly conduct, that's it.

VICE MAYOR SKILLICORN: Mr. Mayor, it sounds like this is a recommendation. And I make a motion to hold all questions until the end of the attorney's presentation.

COUNCILMEMBER EARLE: Second.

MAYOR FRIEDEL: We -- this isn't an actionable -- actionable item, but I'm going to say that we need to move -- move forward with your presentation, and we'll hold the

questions till the end.

TOWN ATTORNEY WRIGHT: Yeah. Again, I will say that these are recommendations you guys can choose to take -- keep -- take any of these things and remove -- keep or remove whatever you'd like. This is your document. These are your rules of procedure, not mine.

COUNCILMEMBER MCMAHON: But isn't a work session informal? And we have back and forth on it. We have in the past. That's the purpose of a work session.

MAYOR FRIEDEL: We can have back and forth, but not argument.

COUNCILMEMBER MCMAHON: In fact, we -- I'm not arguing.

MAYOR FRIEDEL: Okay.

COUNCILMEMBER MCMAHON: And we've even sat down there.

MAYOR FRIEDEL: All right. Can we -- can we move forward with the presentation? Thank you.

TOWN ATTORNEY WRIGHT: Yeah. Okay. So that was that -- changes to that section. And then obviously public comment is not taken. I just added in executive or work sessions. Again, executive is given. It's always been a given. Because there's no public at the executive. But, anyway, to make clear so that there's no confusion. Here's another example on the next page of a text error where it said arc instead of R, so, again, just fixing some of the errors from the transcription error from OCR to Word. No changes -- oh, there was another one set forth, it had a capital F. Again, there's -- it's not -- it wouldn't be a capital F in that location. So those were changes. Then going to -- we did make one change based off of issue -- concerns on page -- let's see, what is this, 4.1-B3 where -- or, I'm sorry, 4, where it says a person or group could request from the town manager, that was removed based off of discussion, in large part, because that would kind of circumvent the process that exists. Right now, the Mayor can add something to the agenda or councilmembers with the approval of three. As far as I understand, the town manager is in full agreement that -- to remove that so that if a person or group wants something added to the agenda, it goes through the other elected officials. Otherwise, it kind of creates a process that doesn't exist.

And then no more changes on the next few pages. This is just making the agenda look -- so a lot of the -- a lot of this document was trying to make it more legible and readable and more consistent with what the current agenda looks like. So these were already the numbering order for the current agenda. These were separated in the way they are here. They were not separated like that on the -- so we didn't actually add in an invocation, it was just moved down a line. The roll call is a separate item on the agenda. So these are just making it consistent with the agenda numbering so that if we're comparing this to what an agenda looks like, and what this document looks like, they match.

And to make more clear, I think before we had proclamations by the Mayor and councilmembers, but really what this is, is the proclamations, awards and recognitions, so making that agenda item more clear because that's -- that's what we do during that period of time. And obviously those -- and I think it talks about later that those can be made by the Mayor or any of his designees, which often he gives you guys the opportunity, as he will be tonight, to -- to do those awards and recognitions.

I moved the explanatory paragraph just -- again, we go and describe these items later. And so this was just an odd, awkward place to have it. That's not that that's not existing, it's just it's being moved so that this is just the agenda and then later back beyond this is when it's -- it's the description of these things.

And then also, like, again, changing regular agenda from, you know, just action items, because what it says on the agenda itself is regular agenda. So just trying to conform the rules of procedure with what we're actually doing in practice. So there's really no functional changes on this -- in this page. It's just making it align with what we're doing. Again, here's another mistake where it had a 1 instead of an I in information, so fixing that.

And then here it's really, again, this is just to clarify, it's really following the invocation that we do the roll call. That's where it is on the agenda. It doesn't need to be that long statement. So just removing that statement of participation.

And then we, again, we aren't disseminating the agenda -- or, I'm sorry, if we go down

the statement of participation another way, it's included on the agenda. And then following roll call is either read or displayed on the screen, which is what we've been doing for quite some time now. And then states as follows.

We did add to this, again, part of the orderly transmission, is that anyone wishing to address the council or during the call to the public must completely fill out a request to comment card prior to the start -- prior to the start of the meeting. That is a change. So it's going to take some -- you know, that -- that was just trying to keep it more orderly, have these comment cards get in. A lot of times what we see during meetings is people hear something, they get upset, they do a comment card. And you know, this way people can come ready to present their issues and put them at the beginning of the meeting. And then the comments may not exceed three minutes.

And then this is just restating what we had before, which is council does not comment on items brought to the call to public. That is a requirement under the Open Meeting Laws. You cannot have discussion on items that are not on the agenda. And that's -- that's what the Open Meeting Laws state is, the staff can be directed to report back to council at a future date or schedule items raised for a future agenda.

And then we made it more clear that, you know, we do allow applause during the proclamations, awards and recognitions. And then we point people -- because people -- to make sure everyone understands that they too are, you know, anyone -- anyone participating in the meeting is subject to the rules of decorum, which is in Section 6 of the rules of procedure, so people know where to go, so that there's no question they've got notice and they can obtain a copy if they have questions or concerns.

And then continuing. So then the summary of current events by the town manager, I moved the proclamations to the next -- next section because that's where it is on the agenda as well. Those are separate items, is the summary of current events. And then that's not -- didn't make any functional changes to what we've implemented at the November 18th meeting.

And then the proclamations and awards, it just has a separate thing. It's the same thing as it said before, except it made it more clear. It's read proclamations, present awards,

and recognize members of the community or conduct any other ceremonial matters. I added that other ceremonial matters because maybe there's something we haven't, you know, that may also be a ceremonial type issue. So that -- that -- that can be added in that spot.

And then this is where I had -- before it had the explanatory statement for the consent agenda. I just moved that. This is, I believe, all the same statements that it said before. These are -- this is -- we could probably compare it against today's. Because it was moved, it kind of looks different. That was -- came back from the first page because that's -- again, we were describing the agenda items later, and it was up there in the -- the overall of the agenda, and now I've just moved it to this portion. But that -- that is the same -- same statement that has always been -- has been stated for a period of time.

And this -- this was just if you look it says -- it had -- I added a number 1 and number 2 and number 3. So number 1, is -- it was there. And then that line that's crossed out, that was moved to make it a number 2, so it's just -- it's not actually removing what was there. And the number 1, it was just moving it down. And then so the Town Clerk -- this is during the regular agenda item. So when it's something that's on the agenda they -- they would present the request to comment cards in the -- at the point of time, the speakers will be called in the order that the cards were received. And then, based off of the discussion that we had in the committee, is that we'd alternate between for and against, so it'd still be in the order they were received, so all the -- you know, they'd be numbered. All the fors, 1 through 4, all the againsts, 1 through 4, and then it was going to be one for, one against, one for, one against. Several of the councilmembers had recently been to some meetings where that was done, and they thought it was a very good way to kind of see a back and forth, and be able to get a kind of balanced view of issues. So that's why we added that in. Thought it was an interesting way to run a meeting and I -- you know, anyway, so it's in there.

There'll be allowed a maximum amount of three minutes to address the council. I kind of took it out continuous minutes because it's a maximum amount of three minutes.

They typically get their --I mean, it's kind of -- it's saying the same thing. But it can be -- but there is a -- it can be reduced or extended based off of if -- my advice, off of the direct -- and that was in there before, at the direction of the Town Manager if noticed twenty-four hours before. Again, this was all in here before. Consensus of the council meeting or the presiding officer at the meeting. So that was no functional change to that. And just really changing the minutes to a maximum of three minutes.

And then this is -- this statement was there before but it looks like it's new, but it's the questions and comments are limited to the subject matter. This is, again, during the agenda item. This part is kind of new. It creates a -- a objective way to determine when we might need to reduce the number of speakers on a particular issue. So it's doing thirty minutes per topic item. Again, you guys can extend that. You can suspend the rules. You can vote to give more time on a particular topic if you've got -- and you'll know that by then, based on the number of comment cards. But that's going to then raise -- if there's more than ten comment cards on an issue, that's going to bring that to the forefront so that you guys can decide, do you want to, you know, is this -- and I think in the past, there's been times where people have consolidated their arguments, gotten together because, you know, it can get very wieldy having a meeting that goes hours into the night, if you've got hundreds of people on a topic or something. And I know this isn't an issue that has come up a ton of times, so this isn't probably something that's going to impact a number of agenda item issues. But it's just, again, it's a very objective way to determine whether or not you might want to reduce the time allocated to each speaker or reduce the number of speakers.

This is also the same as it's always been with the lights and sounds. It's just, I added it -- I either add -- moved it in a section or added -- added a portion of it, but you'll see that that's always been there. The only new -- new part is that the Mayor, Town Clerk, or other staff can mute the microphone when the speaker's time expires. We made that clear. That technology has always been there, but that way people can expect that if they're going well over their time -- again, it's to create decorum and order. And a lot of communities use this. I think that actually was something, another -- that the

councilmembers had been to other meetings where as soon as the three minutes were up, the speaker was off. And it was just the way it worked at that particular meeting they were at, and it kept the meeting moving quickly and smoothly.

And then if the thirty minutes expires, the Town Clerk is going to notify that the thirty minutes for that particular agenda item has expired, and at that time you guys can vote to extend it. You know, if there's vigorous debate that you guys are really -- you know, that's adding to your consideration of an issue, there's nothing saying you can't extend that time.

And then again request to comment form, that -- that's again, that's just a type.

COUNCILMEMBER WATTS: Jerry, can I just ask a quick -- just a quick question -- just a clarification.

MAYOR FRIEDEL: We have a clarification.

TOWN ATTORNEY WRIGHT: Yes.

COUNCILMEMBER WATTS: Would this be for regular agenda items?

TOWN ATTORNEY WRIGHT: Yes. This is regular agenda --

COUNCILMEMBER WATTS: -- as well as the later call?

TOWN ATTORNEY WRIGHT: The call to the public, it has similar rules but they're slightly different. So we'll go over those in just a second.

COUNCILMEMBER WATTS: Okay. So for regular agenda, we're going to have a time limit?

TOWN ATTORNEY WRIGHT: Yes.

COUNCILMEMBER WATTS: Okay.

TOWN ATTORNEY WRIGHT: Yeah. Well, we've always -- oh, for the thirty minutes? That -- that really is just an objective way because it really -- if you have more than ten comment cards, you know you're going to have more than thirty minutes.

COUNCILMEMBER WATTS: Yeah.

TOWN ATTORNEY WRIGHT: So that's an objective way to -- so that the presiding officer or the Mayor, can -- can try to consolidate the number of arguments. And so it just creates it -- but there's not going to be necessarily a hard -- this one's a little bit

more nefarious -- or not nefarious. Like, this isn't a hard stop. If there's, you know, you want to suspend the rules or, you know, again, the presiding officer can, you know --

MAYOR FRIEDEL: There's some -- there's some flexibility.

TOWN ATTORNEY WRIGHT: There's flexibility. Because these are -- this is an item under consideration. And obviously you guys want to hear and can suspend the rules and have more -- more comments. Like, it's not a hard rule.

COUNCILMEMBER WATTS: Thank you.

TOWN ATTORNEY WRIGHT: Um-hum. And all of this stuff, again, is in the rules of decorum -- like, the stuff that's crossed out here, it's just we've kind of renumbered things. I think I put it later in the rules of decorum. That was another thing we saw is that a lot of the rules of decorum were kind of embedded -- this is an example of that -- were embedded within, like, the agenda area. So it was not -- you didn't go to one place to figure out what the rules of decorum were and the rules of procedure, you had to go to several different places and kind of pull it -- pull it all together. So this stuff was all moved to the rules of decorum. So it's clear, everyone knows go to Section 6. That's where the rules are. You don't have to try to read them within any other portions of the rules of procedure.

Yeah. Here's another example. I was just changing the -- I think maybe the lettering was off. Oh, I added in -- no, actually that was already in there, where it says councilmembers may ask the applicant questions through the presiding officer, that's always been in there. So I'm not sure why that's showing as a new thing. I'm not sure if the numbering changed. But that's always the way it's been.

And that statement there, questions or comments are limited to the subject under consideration. Remember, I said that was in there. I just moved it to the beginning of that, when we're talking about the -- the comments from the public. So here there's really no changes to the section.

And then again, this -- if you can see here, before it was just the presiding officer may, at the beginning of the agenda, limit repetitive testimony, that -- you know, limit the time. Again, we created an objective criteria. If you have more than ten, if it's going to take

more than thirty minutes, you know, expect to take more than thirty -- potentially more than thirty minutes.

And then this is the call to the public, adding that back in. So -- so this is the time -- and so this -- much of this is very much the same, except now we've allocated the total amount of time to the call to the public to thirty minutes. As, --as you'll note, under the -- first of all, under Arizona law, there's no requirement that we have call to the public. We're also allowed to have reasonable time, place, and manner restrictions. So restricting the amount of time to thirty minutes is well within our purview because people have other means and methods to also provide comment to us.

So for this, the -- the -- kind of the beauty of the thirty minutes is that there's no -- like, there's no maximum number of people, this isn't limiting it to ten. So if people keep their comments short, you can have a lot of people make comments in thirty minutes. They can't -- so going through here, the clerk is going to note at the beginning of the call to the public, the time, and say that in thirty minutes the -- the call to the public will conclude. Those -- they will be allowed a maximum of three minutes. And they can't take their three minutes and divvy it up. Although, again, if they get off -- if they leave the podium in less than three minutes, and there's somebody else who wants to come up and speak, as many people who can fit into that thirty minutes can.

Of course, as normal, for call to the public, the presiding officer can only do a few things. One is to ask -- thank the speaker for addressing the issue, and ask the staff to review the matter. I removed in here -- and we'll put it -- put in later, the ability to respond to direct criticism. And that's really to make sure that we allow the speakers that have their thirty minutes, we've got a block that's dedicated to people to come in and say their piece, they get that thirty minutes. And then you guys get your time, you know, you didn't -- if you wanted to -- to respond to criticism, you do that after the call to the public's done so that we can get through that thirty minutes and we can get -- get as many public comments in as possible.

This is the same lights and sound as was in the previous section. And, again, the microphone can be muted when the time expires. So they get their three minutes and

we -- and it can be muted. And then when the time has expired, that's it. Anyone speaking will need to conclude their remarks. And no further speakers allowed that -- that night. But, again, speakers who are unable to speak can email comments to the council.

And then -- and then following that is the council discussion and direction to the Town Manager. Members of the council may request the Town Manager to follow up on matters raised at the meeting, request two minutes to respond to directed criticism raised at any portion of the meeting, and then -- or as has always happened, a consensus the council may request the Town Manager research and report back. And, again, this is trying to -- I know you -- have a more orderly meeting and allow us to get it -- out at a decent time. So this way, you can, you know, if you felt like you were unfairly criticized, you can respond to those criticisms during this portion.

And then the future agenda items. And that, I think, is -- again, that's the same statements, it's just been moved. I don't believe I changed anything as to how the councilmembers can add something to the item.

And then we have clarified the request to comment cards. This is the same as before. We did include in a sample request to comment card at the end of this. I don't think it was included in this redline, but it is in the final document because we were waiting on some technical issues to be resolved for that one. But it is in the final document you have in your packet. It. It makes clear that there are sufficient documents, that they'll be retained -- actually, all this, even the green stuff -- oh, we did make clear that the speakers will be called in the order they were received between -- alternating between those for and against. So that was added. That part was added, the for and against. And then again, as it always has been, if a speaker chooses not to speak when called, they've waived their, his or her, opportunity. That's always been there.

And that statement to request a comment card submitted by those who indicate they will not speak will be grouped by for and against. That's always been in there. So again, I'm not sure why it's saying -- it's redlined.

Maintaining proper decorum in accordance with -- and so, again, going instead of having

lots of different decorum within this section, I've just referred people back to Section 6, and noting that it has to be observed by councilmembers, by speakers, and providing testimony and remarks by the audience. And that actually existed before, it was just, I think, either somewhere else or -- but that was always the case.

And that the presiding officer keeps control of the meeting in accordance with subsection 6.4. So that goes over the, you know, breaches -- what happens when there's a breach of decorum.

And then we made clear that the regular meeting live stream must be available, and that monitors are going to be placed outside the council chambers so that, you know, that it's available for people to watch, you know, both in -- in -- you know, in the hall and in here and online and that there's lots of places for people -- for this meeting to be publicly available. And I did add in, absent unavoidable technical difficulties, that's not supposed to be like, oops, I unplugged it, you know, like there's got to be a real reason, justifiable reason for it to not be live streamed. Like, I don't know, YouTube is down. Like, you can't -- maybe I should have put force majeure or something, you know, where act of nature or God. But that's basically -- that's the same thought, is it has to be completely unavoidable and you have to be able to justify that, why it was unavoidable. And then I think this is actually all the same -- this is for special meetings. I'm not sure why it's showing up as red here. This has always been the case, and I believe that's the statements that it said before, that the public comment is not provided for special meetings, but may be approved by consensus of council, unless there's a -- it's a public hearing for some reason as a special session. But I believe -- I don't believe I added that. That's just maybe a move or change, but that's the way special sessions have always been.

And then it has the -- I -- I just made clear where to -- oh, that -- that referring back to 5.2. So rather than redefining everything, you're going back to the agenda definitions in the section before using the same agenda order. So we've got call -- call to order and Pledge of Allegiance, roll call, consent. And not that there wouldn't be an explanatory paragraph, just that that's -- we've already stated that the consent agenda requires an

explanatory paragraph in the previous section. So that's redundant here. So I was just trying to refer back so that people know where to go for definitions. This is just what the agenda looks like. And again regular agenda is what we say. We don't have action items on the agenda. So conforming that with our practice.

And same on this next section, work session. Again, referring people back to the definitions in 5.2. And this is actually, again, all the way -- the way it's always been. So I'm not sure why it's showing up as green. And the work session agenda and just making clear, state the following, we did add that there because that's different. That's not something that's on any other -- it's not in 5.2. So we had to define that here. And that's the end of that section. And that's why that's-- that's kind of the definition within -- the additional definition that isn't in 5.2.

All right. And then conducting the meeting. So I moved around the rule -- some of the things in the rules of decorum, I put all of the different motions in one section. So they're all defined in the same place. So I didn't remove points of order. I just moved it down to where all the motions are, because you had one motion defined at the very beginning, and the rest of the motions all defined later on. So we didn't remove that, we just moved it.

So then -- we -- again, the application, this is -- this has always been there. The rules of decorum apply to councilmembers, employees, the public. And then again, moving it because it's obviously any unauthorized remarks, like, all the kind of how you behave are under the rules of decorum, like the public isn't -- doesn't have a different set of standards. If a councilmember were to start applauding, stamping their feet, whistling or booing, they would also have issues. So that was moved down to the rules of decorum. Not that any of you councilmembers have ever done any of these things, but we're again making it more understandable and putting all the rules in one section, and who it's applied to in a different section.

So and then many -- some of these rules of decorum we added from the City of Scottsdale. For instance, I believe, that this number 1 was from the City of Scottsdale. That was a really good statement, that all councilmembers shall preserve order and

decorum and shall not delay or interrupt council proceedings, or refuse to follow the direction of the presiding officer or the rules of procedure. Again, that came straight from City of Scottsdale. It was a good statement to add in.

The next one also, too, all councilmembers shall use the queuing equipment to indicate their desire to speak. Came from Scottsdale. You guys have queuing equipment. You can use that to indicate your desire to speak.

The presiding officer shall not unreasonably withhold recognition from a councilmember requesting to speak. However, the presiding officer may call for a vote as to whether to continue repetitive discussion or motion. Again, that came straight from City of Scottsdale's rules of decorum.

So I'm trying not to make up things, you know, but taking instructions from where it's working in other towns, I thought -- or in cities, is a great way to go. And if I remember correctly, this too was also in the City of Scottsdale, is a councilmember once recognized, limit remarks to no more than two minutes -- actually, it was -- and shall not be interrupted by speaking unless called to order by the presiding officer, or point of order or privilege raised by another councilmember. This is to ensure that as many people can make comments and that the meetings don't go long. And so that, again, I believe we pulled that one straight from Scottsdale.

Councilmember shall not be recognized by the -- recognized by the presiding officer to speak multiple times on an issue under debate until every councilmember has been given an opportunity to speak once. Again, straight from Scottsdale. It seems like a great way to keep the meeting moving and the councilmembers in the -- in the committee thought that that was a good opportunity to make sure that all the voices are heard among the councilmembers.

If a councilmember is called to order while speaking, he or she ceases speaking immediately until the call -- the question of order is determined. If it's ruled to be out of order, he or she shall remain silent and shall alter their remarks as to comply with the rules of the council. I'm ninety percent sure that that was already in our rules of procedure, but if not, that came from Scottsdale. Again, that's really compliant with

Robert's Rules of Order. If somebody is -- if a point of order is done, you're supposed to stop speaking, and allow the point of order to be decided on. And so just making sure that that's clear.

Remarks and questions by councilmembers should be confined to the issue under debate. The council shall not discuss or debate issues that are not on the formal agenda. If that was not already on there, it should have been because that is a Open Meeting Law violation if you're discussing things that are not on the agenda. And that's, you know -- it also, you know, if people start speaking out of order, that gives you an opportunity to do a point of order to make sure we stay on agenda.

Councilmembers shall refrain from making statements adverse to the interests of the town. The legal question must be resolved before action can be taken, and councilmember may raise a point of privilege to move to go into executive session. And then this was already in there, it's just moved. You can tell because it's green. So this one, it -- the system got right. But all comments shall be addressed to the presiding officer, who should decide if -- if any response is warranted and whom, if any one, shall address the concern. Councilmembers may request upon recognition, clarification of comments, or materials presented by speakers. Anyway, that's all -- that was all there before.

And this was also already there, it's just been moved. Speaker shall not question directly or debate matters under consideration with staff, other speakers, the audience, councilmembers; all remarks are addressed to the presiding officer. That's typical Robert's Rules anyway. And that's what it stated previously.

So, again, some of these things, it doesn't -- because I did so many moving, not all the changes were identified precisely.

The next one is the presiding officer shall not permit any conduct or statements that disrupt or interfere with the orderly conduct or business of the meeting, such as -- and, again, much of this was taken from Scottsdale. Some of this was taken from what we already have, and others of it was added in based off of the -- the meeting. So -- and I believe already on there was personal tax, indecorous language, or behavior, yes, that

was in the previous rules because we had to look up what indecorous means. And we thought it -- it described things well. So that was in there before. Defamatory statements are not a First Amendment right. And those, I believe, were prohibited before. And if not, you, again, there's no First Amendment right to make defamatory statements. Imputing motives, that is something that is very common among councils, is not to impute motives of those on, you know -- especially because that really goes into defamation in a lot of times. Unauthorized -- and this again -- this was just moved, like, nobody can do unauthorized demonstrations or disruptive outbursts, no threatening or intimidating comments or conduct, whether overt or inferred, no yelling, shouting or screaming, no abusive or profane remarks, no incitement of violence or other illegal acts, no fighting words. I mean, these are kind of, you know, I don't think anyone can really argue that you want that kind of behavior in your meeting. But it's just making clear so that everyone knows the rules of the game.

The presiding officer must also respect the civil rights of citizens. This means that while the presiding officer shall maintain decorum, the presiding officer may not restrict speakers from engaging in good faith criticisms of the town or the actions of the council, and the presiding officer may not engage in viewpoint discrimination. So despite the fact that you can't do personal attacks, you can criticize the actions of your government. That's a First Amendment right. That is absolutely protected speech. And -- and we cannot have viewpoint or content discrimination. And I just wanted to make clear of that in there.

And then adding in, there's the next statement, face coverings that conceal the identity of the wearer are not permitted at meetings except for properly fitted medical grade gas masks or respirators, for bona fide medical condition worn at all times by the wearer except when recognized to speak before the council, or religious face coverings that are part of the wearer's core tenet of faith and part of the wearer's consistent public appearance. We have had some meetings as of recently where -- when things got disruptive, people started putting on masks. And that was a little unnerving, I think, for many of the councilmembers. And so that was something that they wanted made clear

that that's not okay.

And then again, making clear -- this is the enforcement of decorum, and this -- this is just so people know what the rules are so that there's no question as to escalation that if proper order is not maintained, the presiding officer and -- the presiding officer always had this authority, but just making it spelled out clear, recess the meeting to abate the disruption, direct law enforcement -- and some of the stuff was already in here, but it was moved -- direct law enforcement to remove any persons, person or persons, whose conduct is disorderly or disruptive, clear the council chambers and restrict access. That one was not -- the other two were specifically laid out, I believe, before. And then the third one was just to make clear that that's something that if -- if it becomes disruptive in here, we can -- and hopefully that never happens again. I mean, the point is to never get to this point again. But that that's an option if -- if it became necessary.

The presiding officer shall also maintain decorum and -- and that's just -- there's really no functional change. It's just making it less wordy -- or moving the words around. And, yeah, that was all already there before, so it's just restating what was already there before -- or in the previous one, but I guess maintaining it in the same function it was. And that's a little bit redundant. But it's -- anyway, that way it's crystal clear.

There's no changes to teleconference procedures.

The change in -- this just adds back in the call to the public here. And just making clear people have to fill out a request to comment cards. And then talking about how the call to the public is no more than thirty minutes. And, again, all these other things were already there. But, again, even during the agenda item, now, there's at least an objective standard, that if there's more than ten cards, there's something to be done. Thirty minutes is kind of what we -- you guys anticipate is the maximum per agenda item for public discussion.

And then -- and same thing that -- that -- that the presiding officer can limit speakers if -- if we need to end in a timely manner. Like, if we've got a really huge agenda, and we've got a -- it just gives some tools in the toolbox if we've got a really, really large agenda. And again -- yeah.

And then this goes back into the motion. So I think before I said I moved the point of order, I moved it into this section because it makes more sense to describe all the motions in one place. I did take the point of order as we had before. And then honestly, again, I borrowed from Scottsdale because they had some really great descriptions as to what a point of order is. So we added in some of the statements about how -- how and when to use a point of order. I also -- like, we weren't consistent. If you look up here, we weren't consistent with how we -- like, so we had raise a question of privilege, but we actually called it -- defined it as a point of order in there, but we didn't define point of privilege, so I added point of order, which we already had, and then added in a point of privilege, because those are two technically different things.

And then we had limit or extend time to the debate, but then we had limit or terminate discussion was the name of the motion. So I didn't -- I didn't create that motion. That's what was already there. And so I just wanted them to be -- the motion to limit or terminate discussion, so I just wanted what we described as the motions to match what we defined as the motions. So that's all that was. That's not functionally changing anything because that's how they're defined below.

And then I also put them in the same order in which they are up top. So it starts with the -- we did -- previously, we did not define fixed time to adjourn, adjourn or recess. I didn't add those in because I thought that was a little bit outside of the scope, because this is mostly about decorum and about, you know, bringing back call to the public and these ones kind of, the point of order and point of privilege, kind of go hand in hand with those. So I didn't add in, except for point of privilege and extending the point of order, new definitions. But I would say over time in phase two that we are a little bit more explicit to make sure we define all motions, so we don't have to look at multiple documents. We don't have to go to Robert's Rules. We don't have to go to the other two books that we refer to for the -- what -- what's the definition.

Yeah. And so I'm not sure which portion of the point of order is changed or different, but we just made it -- again, took what we had in there, added in some of what

Scottsdale said because it made it more understandable. And then, yeah. And then point of privilege, this included some of Scottsdale stuff and then stuff to make -- there is two different kinds of point of privilege. There's personal privilege and general privilege. And so just made sure that those are clear. So people understand what point of privilege is.

No changes to motions on the table. Motion to limit or terminate discussion. I moved the motion to amend. It's identical except -- yeah. And then so again I just tried to put it in the same order they were before. Motion to continue, same with that. I didn't add that in, it was just moved. Motion to postpone indefinitely, same thing. That's just been moved. It hasn't been added. Yeah. All of that was the same as before.

And then casting a vote. And I don't think I added that in. I'm not sure why it's showing it did, because that's the way it's always been. I guess, right now, we always do a roll call vote, but I don't think that I -- that was not changed. Again, I'm not sure if because it was a compare document, it added -- it changed some things, but obviously the previous statement before did not end within that, so that's -- that's the way it's always been. Oh, yeah, you can see in the next page it -- it blocks -- it lines out what was there before, which is identical to what is up before. So I think it's just because it got moved. And here's another example of where the OCR was wrong. It had an L instead of I in interest on both those statements, and actually on all four times it says interest on that page, those were small Ls instead of the letter I. So those aren't functional changes. They were just changes.

No change in conflict of interest. Oh, I just to -- to be conforming like capitalizing subsection, and when we're referring to something else, that's just a conformity issue. But that's not a change in anything. I certainly did not touch your code of ethics, again, except for here, that's a little L in influence instead of a big I. So that's the -- that's why there's a change there. But none of that was changed.

Boards and commissions. And then -- oh, yeah, include -- as you can see here, it was there, it's just -- I don't know why it's seeing that as a change because that was already there. And then that was showing as it looks like an L instead of a 1, so changed that to

a 1.

Oops. Did not mean to skip that page. Again, call for applicants. Again, this was just -- oh, it had a little L instead of 1. And -- and then, yeah, there's -- I think I made -- oh, I made that one paragraph so via the town's official that -- again, that's just making a lowercase L.

No changes in advertisement. No changes in staff review. No changes in these pages here. And I didn't add that -- oh, yeah, you can see it deleted it from the page before. So I think there was a page break. And so I pulled it up a page so it looked like it deleted. But that's the identical language as you can see from the next page, because I was not touching any other sections. Nothing in these pages.

And you can see on the bottom of this page, where it says ex officio, you can see it crossed out again. This was just -- I was -- I think there was some typographical error in that, but you can see that it's the exact same language as what's crossed out. So there was no changes there.

And then here are another one. It's a staggered tenns instead of terms. It had two Ns. So that was just making that staggered terms. Again, the next page also it said terms. It had a 1 -- I don't know how it got a 1. That's OCR for you.

No changes to any of these pages.

And then the sample request to comment card, which I believe is in your packet -- in the final version that you have there that has the request to comment card. So you see that in the agenda packet as the final document.

All right. So those are all the changes, Mr. Mayor.

MAYOR FRIEDEL: Vice Mayor?

VICE MAYOR SKILLICORN: Mr. Mayor, I assume you're not looking for a formal motion. How are you planning on -- I know we're just looking for consensus to move forward. How are you looking to gather that consensus?

MAYOR FRIEDEL: I think a head nod to move this to an agenda item.

COUNCILMEMBER EARLE: Yeah. At this point, I need to know if there's concerns, changes, things you would like to see in this document so that we can make any final

edits, and then either bring that back for another work session discussion or if they are minimal, bring that back for a full council discussion and potential adoption. So looking to get a sense of how the body feels about these changes, about this draft, and any edits you'd like to see.

MAYOR FRIEDEL: Councilwoman Larrabee?

COUNCILMEMBER LARRABEE: I just wanted to say that my -- my recommendation would be to move forward with no changes.

MAYOR FRIEDEL: Councilwoman McMahon?

COUNCILMEMBER MCMAHON: Thank you very much. How do we want to handle this because I have some concerns about a couple of the revisions and things on the -- on the rules. So do you want me to go through my concerns or do you want to, you know, if anybody else has a concern about any of the similar same things, allow them to discuss it, or how do you want to handle this?

TOWN ATTORNEY WRIGHT: That's up to Mr. Mayor.

MAYOR FRIEDEL: Can you list your concerns in a, I don't want to say quick, but so that we can get -- you can address your concerns so we have an idea of what you're talking about with a -- without a long dissertation. Can you do that for us?

COUNCILMEMBER MCMAHON: I'll do my best.

MAYOR FRIEDEL: Thank you.

COUNCILMEMBER MCMAHON: Because in reading this, and you know, the statement of participation, you know, no clapping. So now the only time we can clap is proclamation or awards, clarification on that, because --

TOWN ATTORNEY WRIGHT: Yeah, that's the way it currently is and that's the way it was --

COUNCILMEMBER MCMAHON: -- people are going to clap anyway.

TOWN ATTORNEY WRIGHT: -- in the prior one.

COUNCILMEMBER MCMAHON: Yeah. So --

TOWN ATTORNEY WRIGHT: So the prior one had the -- the -- the thing that you could not clap, although the -- it said limited in the statement of participation, that actually

was the opposite of what it said in the rules of decorum.

COUNCILMEMBER MCMAHON: Um-hum.

TOWN ATTORNEY WRIGHT: So those need to be consistent. So that's not actually changing the rules. It's just making sure people understand the rules, which I think is very important.

COUNCILMEMBER EARLE: Okay. So also I'm concerned about the Town Clerk having to alternate between for and against in the comment cards because, you know, when I observed them, they're really busy. They're intent on, you know, doing everything correct, et cetera. And I think having to report the cards like that, I think would be cumbersome for them. So I'm not sure that that's really a good idea to have them do, because when comment cards have come in before, they haven't read them, for the most part. They've said, you know, ten for, ten against, et cetera. So to me, I thought that was pretty concise and -- and proper use -- you know, a wise use of their time, you know, other than being distracting and going back and forth. But that's for them to talk to the Town Manager about.

Under -- under call to the public, I am really concerned about a councilmember being able to respond to criticism. I think that my concern with that is when you're a person speaking, it's not on an agendized item, and we're all sitting here. And it was my understanding that, according to the rules, the council should not discuss or take action on a matter raised during call to the public unless properly noticed, because that was when Open Meeting Law violation, you know, came up a couple of times and --

TOWN ATTORNEY WRIGHT: And to -- oh, I'm sorry.

COUNCILMEMBER MCMAHON: And I'm concerned because generally we can't for a lot of reasons. I think it opens debate. I think it -- it, you know, that it's something that it's just not agendized. And we haven't done it in the past.

In addition, and maybe I'm reading this wrong, under the rules of decorum, no councilmember shall engage in debate directly with such speakers, representatives, or town staff. So it seems to me like if you're going to allow that, then this is a contradiction of that. And my concern is one of the reasons why you gave for amending

call to the public was so that we wouldn't have Open Meeting Law violations.

TOWN ATTORNEY WRIGHT: Yeah. So just to clarify, you've always had the ability to respond to criticisms. That's something that this council has used liberally. This is not adding something you've never had. Instead, it's actually limiting it to some degree where it's at the end of the meeting, so it's not directly back and forth with the individual.

Second of all, I did look into this, and the attorney general, I think it was in 2018, issued an opinion saying that you had to provide councilmembers the opportunity to respond to criticism in -- during public meetings, that it would be an Open Meeting Violation to not allow them -- or maybe, I don't -- actually, I'd have to go back to see exactly which violation it was. But, you know, we did -- I did look at the -- the -- the legality of responding to criticism. And what I found is that if I removed it all together, that then you would have a violation, according to an attorney general opinion that was issued some time ago. So it remains there, but it's at the end, and you're allowed to respond directly to criticism.

I will say if there's defamatory statements or personal attacks, those can be a point of personal privilege. So if somebody is alleging allegations and calling a councilmember, or any person, because it's personal attacks of any sort, so if there's an attack claiming that somebody is a pedophile or somebody is this or somebody is that, those -- unless it's, you know -- that's personal attack and that's defamatory, potentially defamatory, I mean, unless they are a convicted pedophile. But in those cases, would be points of personal privilege, which would then also stop the -- the person's ability to make statements that are, you know, defamatory.

But if it's a criticism, like, I don't like the way you're doing your job as a town councilmember, that's something that we have to allow the public to do under the First Amendment, even if it's uncomfortable at times.

COUNCILMEMBER MCMAHON: Okay. I don't understand why we're removing the council shall not discuss or take action on matters not raised without properly noticed. I don't understand why we're removing that.

TOWN ATTORNEY WRIGHT: We didn't remove it. We just moved it.

COUNCILMEMBER MCMAHON: And, in addition, future agenda items, isn't that going to be a burden on the staff to have something come up in the next three meetings? Because often they're planned in advance and they're planned according to the need, is my understanding. So to impose --

TOWN ATTORNEY WRIGHT: That's been in existence now since before I was Town Attorney. That's not something I added.

COUNCILMEMBER MCMAHON: Okay. Thank you. I'm also wondering about the comment about councilmembers can't make statements adverse to the town. I know where that's coming from. But up here, when we talk as councilmembers, it's our legislative -- it's our duty to basically legislate, discuss things, some things -- you know, if I vote against something the staff recommends, is that adverse to the town?

TOWN ATTORNEY WRIGHT: No.

COUNCILMEMBER MCMAHON: If we talk about it or state things and debate it, et cetera, then, you know, is that going to be adverse to the town? I mean, that's a subjective thing. What's adverse to the town in a lot of ways --

TOWN ATTORNEY WRIGHT: Making statements that the town --

COUNCILMEMBER MCMAHON: -- and I think that --

TOWN ATTORNEY WRIGHT: -- violated the law in some way, shape or form would be adverse to the town.

COUNCILMEMBER MCMAHON: You know, I think that we have a duty to exercise independent judgment and weigh in on legal staff advice, policy consideration, facts, et cetera. It's not uncommon for us to maybe question that or have our opinion that might be adverse to some, but not adverse to the person stating it. We can openly disagree. And my concern is, is that if you have that in there, it's hindering us and infringing on our right to free speech and our thoughts and expressing them.

Because I always do my homework, I go through, I explain my vote for a reason. I explain it so that our residents understand why I'm voting that way, and to tell me that I can't make statements adverse to the town, I think that's unconstitutional. You know,

like for in -- and we've all done it. Even people voted to not defend a -- councilmembers voted to not defend a lawsuit against the town. Isn't that adverse? I mean, I -- I don't think that that is constitutionally --

MAYOR FRIEDEL: Okay.

COUNCILMEMBER MCMAHON: -- acceptable.

MAYOR FRIEDEL: We need to move on. We've got other councilmembers that need to -- need to chime in.

COUNCILMEMBER MCMAHON: Well, I didn't get to participate in this. And now you're telling me --

MAYOR FRIEDEL: Okay.

COUNCILMEMBER MCMAHON: -- that I further can't participate in --

MAYOR FRIEDEL: You'll have -- you'll have --

COUNCILMEMBER MCMAHON: -- expressing my comments on the rules of procedure.

MAYOR FRIEDEL: You will have another opportunity because when we agendize this --

COUNCILMEMBER MCMAHON: Jerry --

MAYOR FRIEDEL: -- item, you will have -- you will have more than ample time.

COUNCILMEMBER MCMAHON: I object to it. Thank you.

MAYOR FRIEDEL: Thank you.

Councilman Watts?

COUNCILMEMBER WATTS: Thank you, Mayor.

I think that the sky is not falling, but I agree with Peggy McMahon that the comment about public photography -- professional photographers really is an accommodation. You never see any of the State, Senate, Congress, the photographers are in back. We have to make an accommodation, we have to make space. If there's a lot of news media, there's a lot of photographers, we have to take away some chairs. So I think maybe rewording a little bit to make sure that it's clear that we're not doing anything to restrict, that we're simply doing it to make accommodations. So I'm in agreement with her on that. And --

MAYOR FRIEDEL: For the record -- for the record, I didn't see that as limiting their

access to our meetings at all. Just giving notice.

COUNCILMEMBER WATTS: Yeah, right.

TOWN ATTORNEY WRIGHT: No. And maybe I need to just -- instead of saying -- I think maybe I used the word get written approval, maybe I just need to say, you know, just get -- just make notice, provide notice, advance notice so that we can make accommodations.

MAYOR FRIEDEL: That's -- that's fair.

COUNCILMEMBER WATTS: Perfect. Thank you.

TOWN ATTORNEY WRIGHT: Um-hum. That's fine.

MAYOR FRIEDEL: Councilwoman Earle?

COUNCILMEMBER EARLE: I just want to put it on the record that I would like to see this move forward as is, and with those changes.

MAYOR FRIEDEL: Vice Mayor?

VICE MAYOR SKILLICORN: Yeah. I want to agree with the other councilwomen that I would like us to move forward as discussed.

MAYOR FRIEDEL: Councilperson Kalivianakis?

COUNCILMEMBER KALIVIANAKIS: Thank you, Mr. Mayor.

MAYOR FRIEDEL: Brief, please.

COUNCILMEMBER KALIVIANAKIS: I thank you for recognizing me.

MAYOR FRIEDEL: You're welcome.

COUNCILMEMBER KALIVIANAKIS: Okay. I -- I would just like to say to the body that I object to this whole proceeding today. But more importantly, because it's -- we're on the verge of a town council meeting. We are -- this is supposed to be a workshop. I've been on this council for three years now, and I've done a lot of workshops. A workshop is supposed to solicit the opinions of the seven. Now, in this case, that was taken away because it was put to a committee of three who are now chomping at the bit to end debate tonight. I -- and the notes that I have, particularly, on pages 28, 34, 40, 44, 52, would -- I would like to discuss with the Town Attorney. It would probably take a half an hour cutting into our town council meeting.

I -- I think that these are issues that need to be talked about. I don't know what the rush is, if we extended this work session to another date, so we can all -- like councilwomen down there, Councilman Watts, we do have things that we'd like to flesh out. If we go straight from here to putting it on the agenda, it seems like it's going to be rubber stamped. We're not going to have the thoughtful process that we are going to need to write the best code that we can. This is nothing that should be hurried. This is something that should be thoughtful. It should be deliberated. We should be discussing it. If we have to go back and forth, we can go back and forth with respectful debate. You know, this limiting the call to the public to thirty minutes, and putting in at the end of the meeting, and justifying it because, well, it's better than what we did ending it, and Scottsdale did it. Scottsdale is in turmoil. If you read the articles, if you read Scottsdale Progress, if you read the newspapers, that's a -- that's a town in meltdown. And for us to sit here like little soldiers and say, oh, we're going to justify it because our big sister Scottsdale is doing this, you know, I think that we should do better -- a hell of a lot better than Scottsdale has been doing lately.

I don't understand how we can limit the debate of this council to two minutes. This -- this is kind of becoming -- and this is all over the country. You've got a very strong executive branch, you've got a very strong Supreme Court, and the voice of the legislature, which is us, is all the sudden, an irrelevancy, something that should just be ignored. Oh, it's a -- it's the legislature. You know, we can just write executive orders and take things to the Supreme Court. I reject that. When we discuss of -- the millions and millions of dollars' worth of budget, we do major zoning, like we did with Sandor and with Senderos, and with widening the Shea Boulevard and many other things that this council has debated to two minutes is -- you know, when I give a speech, that's just enough time to identify who I am and why I'm here.

MAYOR FRIEDEL: Well, maybe we need to clean that up a little bit. But the urgency is because the constituents in this town want the call to the public brought back. That's part of the urgency. Your constituents, mine, Rick's, Gayle's, Peggy's, Allen's, and Hannah's, that's --

COUNCILMEMBER KALIVIANAKIS: Then let's bring it back the way it was.

MAYOR FRIEDEL: -- that's -- that's the first thing. And, secondly, you can bring up your items. We're going to agendize this. You can bring up your thoughts for concern. I don't see demonstrative change to what we had to what we're going to. I don't -- I don't see a whole lot of change to it. There's -- there's a couple --

COUNCILMEMBER KALIVIANAKIS: Limiting a debate to two -- two minutes is -- is -- it's ridiculous.

MAYOR FRIEDEL: No, it's not.

COUNCILMEMBER KALIVIANAKIS: You can't -- you can't make a cogent case in two minutes.

MAYOR FRIEDEL: Yes, you can.

COUNCILMEMBER KALIVIANAKIS: It took an hour just to describe the changes that were said to be minor here.

MAYOR FRIEDEL: Well, that's because we went over --

COUNCILMEMBER KALIVIANAKIS: You can't --

MAYOR FRIEDEL: -- we went over every grammatical error, all the punctuation and --

COUNCILMEMBER KALIVIANAKIS: We talk --

MAYOR FRIEDEL: -- and everything else.

COUNCILMEMBER KALIVIANAKIS: -- we talk about issues that affect every single life in this town and the money that we tax them on, and to limit the debate, to just bring things on the agenda, I'll give you two minutes and rubber stamp it, is not -- not a good way to do business. And it's not a -- not a good way to proceed.

MAYOR FRIEDEL: All right.

COUNCILMEMBER KALIVIANAKIS: That's why I think we should bring it back for one more work session. We can straighten it out, and then we can proceed.

MAYOR FRIEDEL: Your point -- your point is taken.

Vice mayor?

VICE MAYOR SKILLICORN: Thank you, Mr. Mayor. I just want to point out, when I was in legislature, I was limited to two minutes. I had to be concise.

MAYOR FRIEDEL: Councilwoman Larrabee?

COUNCILMEMBER LARRABEE: Thank you, Mayor. I wanted to clarify that it's -- it's saying two minutes for the councilmember's comment. It's -- it's so that everyone on this council has an opportunity to speak on the issue. We don't -- it's preventing the opportunity for a filibuster, right? And it's allowing for, okay, you've had your two minutes, you can respond afterwards, we can continue debate. But we need to allow if we have multiple people wanting to speak on an issue, we need to ensure that there are time -- there is time for those multiple people to speak on the issue. And it also means that we go home at a reasonable hour. So, for example, if we are having a speech about our issues with rules of procedure, random example, and instead of speaking about our issues of the rules of procedure changes, we speak about the fact that we're angry that we change the rules of procedure for ten minutes, maybe we could shorten those comments. It's just a suggestion, completely random.

TOWN ATTORNEY WRIGHT: If I may? That is correct. It's two minutes for your initial statements, and then everyone else gets an opportunity so that everyone on the council has an opportunity to be heard on an issue. And then there's nothing saying you couldn't be -- the presiding officer can't -- wouldn't recognize the speaker again for further comments. So unless there's a motion to limit debate or stop debate.

MAYOR FRIEDEL: Correct. So you'll have more than two minutes.

We're going to end this right now because IT needs to get set up for the council meeting that's coming up. So we're going to adjourn this work session. And I think direction has been given to bring this back as an agenda item so that other points can be made.

Thank you.

HAVING NO FURTHER BUSINESS, MAYOR GERRY M. FRIEDEL ADJOURNED THE WORK SESSION OF THE FOUNTAIN HILLS TOWN COUNCIL HELD ON JANUARY 20, 2026, AT 5:14 P.M.

APPROVED:

GERRY FRIEDEL, MAYOR

ATTEST:

BEVELYN J. BENDER, TOWN CLERK

CERTIFICATION

I HEREBY CERTIFY THAT THE FOREGOING MINUTES ARE A TRUE AND CORRECT COPY OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING OF THE TOWN COUNCIL, TOWN OF FOUNTAIN HILLS, HELD ON JANUARY 20, 2026. I FURTHER CERTIFY THAT THE MEETING WAS DULY CALLED AND HELD AND THAT A QUORUM WAS PRESENT.

BEVELYN J. BENDER, TOWN CLERK