



**NOTICE OF MEETING
WORK SESSION
TOWN COUNCIL**

Mayor Gerry M. Friedel

Vice Mayor Allen Skillicorn

Councilmember Gayle Earle

Councilmember Brenda J. Kalivianakis

Councilmember Hannah Larrabee

Councilmember Peggy McMahon

Councilmember Rick Watts

TIME: 4:00 PM - WORK SESSION

WHEN: TUESDAY, JANUARY 20, 2026

WHERE: FOUNTAIN HILLS COUNCIL CHAMBERS

16705 E. AVENUE OF THE FOUNTAINS, FOUNTAIN HILLS, ARIZONA

Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call; a quorum of the Town's various Commission, Committee or Board members may be in attendance at the Council meeting.

Notice is hereby given that pursuant to A.R.S. §1-602.A.9, subject to certain specified statutory exceptions, parents have a right to consent before the State or any of its political subdivisions make a video or audio recording of a minor child. Meetings of the Town Council are audio and/or video recorded and, as a result, proceedings in which children are present may be subject to such recording. Parents, in order to exercise their rights may either file written consent with the Town Clerk to such recording, or take personal action to ensure that their child or children are not present when a recording may be made. If a child is present at the time a recording is made, the Town will assume that the rights afforded parents pursuant to A.R.S. §1-602.A.9 have been waived.

1. CALL TO ORDER

2. WORK SESSION STATEMENT

All Items Listed Are for Discussion Only. No Action Can or Will Be Taken. The primary purpose of work sessions is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

3. ROLL CALL

4. REGULAR AGENDA

- a. **DISCUSSION:** Regarding amending the Fountain Hills Town Council Rules of Procedure to restore "Call to the Public", update Section 6, improve format, and incorporate changes requested by Council.

5. ADJOURNMENT

Dated this 15 day of January, 2026

Bevelyn J. Bender, Town Clerk

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call (480) 816-5100 (voice) or (800) 367-8939 (TDD) 48-hours prior to the meeting to request reasonable accommodation to participate in the meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished to the Council with this agenda are available for review in the Clerk's Office.



TOWN OF FOUNTAIN HILLS

STAFF REPORT

Meeting Date: 1/20/2026
Meeting Type: Town Council Work Session
Submitting Department: Administration
Prepared by: Jennifer Wright, Town Attorney
Staff Contact Information: Phone:
Email: jen@timlasota.com

Request to Town Council Regular Meeting (Agenda Language)

DISCUSSION: Regarding amending the Fountain Hills Town Council Rules of Procedure to restore "Call to the Public", update Section 6, improve format, and incorporate changes requested by Council.

Staff Summary (background)

On November 18, 2025, based on a recommendation from the Town Attorney, the Council voted to amend the Council Rules of Procedure to, among other things, eliminate the "Call to the Public" at Council Meetings.

The Town Attorney recommended eliminating "Call to the Public" in response to a Notice of Claim that was filed against the Town alleging, in part, that religious comments made during the Call to the Public violated the law. The Town Attorney recommended temporarily removing the Call to the Public to allow sufficient time to review and amend the Rules of Procedure to ensure maximum compliance with state and federal laws.

At that Council meeting, Councilmembers voting in favor of amending the Rules of Procedure to remove the "Call to the Public" asked that work be done to review and amend the Rules of Procedure so that the Council could bring the issue back again and restore the "Call to the Public".

At the request of Councilmember Earle, and with the consent of Mayor Friedel, a working group was formed to review the Rules of Procedure, specifically focused on restoring the "Call to the Public" and amending other sections of the Rules of Procedure, including section 6, Procedures for Conducting the Meeting.

The attached amended Rules of Procedure have been drafted by the Town Attorney for Council to review and make additional suggestions before the Rules are presented at a Regular Meeting for approval. Specifically, the draft includes restoring "Call to the Public" and updating Section 6, Procedures for Conducting the Meeting. Much of the added content was inspired by the City of Scottsdale 2025 Rules of Council Procedure. In addition, some formatting changes were made to make the document more readable.

For this update, the Town Attorney limited the substantive changes to restoring "Call to the Public" and amending and clarifying procedures for conducting the meeting, including the

rules of decorum. No significant substantive changes were made to other sections of the Rules of Procedure. To the extent that other sections of the Rules of Procedure may need updating, the Town Attorney recommends that it be done at a later date to allow more time for a comprehensive review.

Related Ordinance, Policy or Guiding Principle

Fountain Hills Town Council Rules of Procedure

Risk Analysis

n/a

Recommendation(s) by Board(s) or Commission(s)

Staff Recommendation(s)

Suggested Motion

None.

FISCAL IMPACT

Fiscal Impact:

Budget Reference:

Funding Source:

ATTACHMENTS

- | | |
|----|---|
| 1. | 2026 Council Rules of Procedure - DRAFT |
| 2. | Rules of Procedure |

TOWN OF FOUNTAIN HILLS



COUNCIL RULES OF PROCEDURE

Adopted August 7, 2003 by Ordinance 03-17
Amended April 7, 2005 by Resolution 2005-30
Amended November 17, 2005 by Resolution 2005-52
Amended November 17, 2005 by Resolution 2005-63
Amended May 18, 2006 by Resolution 2006-28
Amended December 7, 2006 by Resolution 2006-47
Amended December 7, 2006 by Resolution 2006-52
Amended July 2, 2009 by Resolution 2009-29
Amended November 7, 2013 by Resolution 2013-26
Amended February 6, 2014 by Resolution 2014-09
Amended March 5, 2019 by Resolution 2019-15
Amended September 3, 2019 by Resolution 2019-46
Amended October 5, 2021 by Resolution 2021-33
Amended February 21, 2023 by Resolution 2023-05
Amended March 21, 2023 by Resolution 2023-08
Amended September 6, 2023 by Resolution 2023-30
Amended April 15, 2025 by Resolution 2025-15
Amended November 18, 2025 by Resolution 2025-42
Amended February 3, 2026 by Resolution 2026-02

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§1. RULES OF PROCEDURE

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the Council, Boards, Commissions and Committees:

- A. State Law
- B. Town Code, including these Council Rules
- C. Parliamentary Procedure at a Glance, New Edition, O. Garfield Jones
- D. Roberts Rules of Order, 12th edition, as amended

In case of inconsistency, conflict, or ambiguity among the documents listed above, such documents shall govern in the order in which they are listed.

1.2 PRESIDING OFFICER

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the Presiding Officer of all meetings of the Council. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk or designee whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. If a majority of the Councilmembers present are unable to agree on a Presiding Officer for the meeting, the meeting shall automatically be adjourned, and all agenda items shall be carried over to the next regular Council meeting.

1.3 PARLIAMENTARIAN

The Town Attorney shall serve as Parliamentarian for all meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

1.4 SUSPENSION OF THE RULES

The Council, by a three-quarter vote of all members present, may suspend strict observance of these Council Rules or other policies and procedures for the timely and orderly progression of the meeting; provided, however, that a simple majority of the Council may cause a change in the order of items on the agenda.

1.5 MAYOR SEATING OF THE COUNCIL

The Mayor, prior to the first meeting held in December, will provide the councilmember seating chart to the Town Clerk.

1.6 VICE MAYOR ROTATION

The eight-month rotation of the Vice Mayor is based in order of the highest number of votes received at which the councilmember was elected as provided for on the final election results received from Maricopa County Elections. If Councilmember(s) wins at the Primary Election, the Councilmember(s) will be placed ahead of those Councilmember(s) who win at the General Election, utilizing the same process as just stated.

§ 2. DEFINITIONS

2.1 AGENDA

As set forth in the Order of Business, an agenda is a formal listing of items to be considered by

- (i) the Council at a noticed meeting of the Council or
- (ii) the applicable Board, Commission or Committee at a noticed meeting of that body.

The content of the agenda may not be changed less than the Thursday prior to the public meeting, except in exceptional circumstances, but in no event shall the agenda be altered less than 24 hours prior to the public meeting, unless otherwise authorized by State Law.

2.2 AGENDA PACKET

A compilation of documents supporting the items listed on the agenda and requiring Council consideration or action, which may be used by Council, staff and the public for more in-depth information than may be presented in an oral report. The agenda packet is organized as set forth in the Order of Business in Section 5 below and is generally made available electronically to the Council and to anyone on the Town's website by 6:00 p.m. the Thursday prior to the date of the meeting.

2.3 CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Council. All motions and subsequent approvals of Consent Agenda items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or

by notifying the Town Manager prior to the date of the meeting. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda.

2.4 COUNCIL

Collectively, the Mayor and Common Council of the Town of Fountain Hills.

2.5 COUNCIL RULES

The Town of Fountain Hills, Arizona Town Council Rules of Procedure.

2.6 MEETING

The gathering, in person or by technological devices, of a quorum of the Council, Boards, Commissions or Committees, at which the Councilmembers, Board members, Commissioners, or Committee members discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record by the Town Clerk or the staff liaison for a Board, Commission or Committee.

2.7 NOTICE

A formal announcement to the public that sets the date, time and the place at which a meeting will be held. Such notice of meetings shall be in accordance with the State Law, the Town Code and these Council Rules. Council will approve the new calendar year meeting schedule at the first council meeting in December.

2.8 QUORUM

The minimum number of Members of the Council, Board, Commission, or Committee that must be present in order for business to be legally transacted. Unless otherwise specified in State Law or the Town Code, a quorum is the majority of members of the public body.

2.9 TOWN

The Town of Fountain Hills, an Arizona municipal corporation.

DRAFT

§3. MEETINGS

3.1 REGULAR MEETINGS

A. Regular Meeting Date; Time.

The Council shall hold regular meetings on the first and third Tuesday of each month at 5:30 P.M. When deemed appropriate, any regular meeting date of the Council may be changed or cancelled by a majority of the Council. Notice of the rescheduled or cancelled meeting shall be given to the public as is reasonable and practicable under the circumstances and in compliance with State Law. All regular meetings shall be held at the Town Hall Council Chambers or at such places as may be prescribed by the Mayor or the Town Manager. The Council may provide for a "Call to the Public" at such regular meetings.

B. Holidays.

When the day for a regular meeting of the Council falls on a legal holiday, no meeting shall be held on such a holiday, but such a meeting shall be held at the same time and the same location on the day designated by the Council that is not a holiday, unless the meeting is otherwise cancelled by the Council.

3.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a certain time, place and date, but not beyond the next regular Council meeting. Once adjourned, the meeting may not be reconvened except at the time, date and place provided for in the motion to adjourn. Reconvened meetings shall not provide for a "Call to the Public".

3.3 SPECIAL MEETINGS

The Mayor, the Town Manager, or the Town Clerk (upon the written request of three Councilmembers), may convene the Council at any time after giving at least 24 hours' notice of such a meeting to members of the Council and the public. The notice shall

include the date, place, time and purpose of such a special meeting. Special meetings shall not provide for a "Call to the Public".

3.4 WORK SESSIONS

A. How Convened; When Convened; Notice.

The Mayor or the Town Manager (at his own discretion or upon the written request of three Councilmembers) may convene the Council in a work session at any time after giving notice at least 24 hours in advance of such a work session to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such work session.

B. Purpose.

Work sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Council than may be possible at a regular meeting. No formal action of the Council may be taken at such a work session, other than consensus or conveying directions to staff for further action. Work sessions shall not provide for a "Call to the Public."

3.5 EXECUTIVE SESSIONS

Subject to applicable State Law, the Council may hold such closed executive sessions as necessary to conduct the business of the Town as allowed by State Law such as regarding personnel or for the purpose of obtaining legal counsel. Executive Sessions are closed to the public and shall not provide for a "Call to the Public."

3.6 EMERGENCY MEETINGS

As provided by State Law, the Mayor and Council or the Town Manager may call a special emergency meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting. Notice of an emergency meeting of the Council will be posted within 24 hours following the holding of an emergency meeting. The notice will include the emergency meeting's agenda and a brief but

complete description of the nature of the emergency. Emergency meetings shall not provide for a "Call to the Public".

3.7 MEETINGS TO BE PUBLIC

A. Open to Public.

With the exception of executive sessions, all regular, special and work session meetings of the Council, Boards, Commissions, and Committees shall be open to the public, including members of the media. Where practicable, all regular, special, and work session meetings of the Council shall be live-streamed through the Town website, the recording of which shall be archived and available to the public. Members of the media wishing to record meetings using professional audio or video equipment must obtain written approval before the meeting from the Town Manager, or designee, before setting up any professional equipment.

B. Public Comment.

Public comment is not taken at executive or work sessions, emergency meetings or at special meetings, unless the special meeting is held in place of a regular meeting, or unless the special meeting includes a public hearing on the agenda.

3.8 MINUTES OF MEETINGS

A. Staffing.

The Town Clerk shall ensure staff attendance at all regular, special, work session, emergency and executive session meetings of the Council for the purpose of taking notes and/or audio recordings of the meeting. The Town staff liaison to each Board, Commission or Committee shall ensure staff attendance at all meetings for the purpose of taking notes and/or audio recordings of the meetings.

B. Recordings; verbatim written minutes.

To the extent possible, all open, public meetings shall be recorded by means of audio or video technology. In addition, written minutes reflecting legislative intent shall be taken so that an accounting of the issues discussed, and actions taken are compiled and entered into the permanent minutes and kept on file in the Office of the Town Clerk. Audio or video recordings of meetings will be retained for a period of time in

accordance with the current Town of Fountain Hills and/or State of Arizona approved records retention and disposition schedules. Minutes shall identify speakers by name and shall indicate whether they are Fountain Hills residents, and whether they support or oppose the proposed action (i.e. "for" or "against") along with a summary of the speakers' verbal comments provided at the meeting. Comment cards submitted by individuals not wanting to speak in-person but desiring to indicate whether they support or oppose the proposed agenda action (i.e. "for or against") will be tallied by the Town Clerk and announced. A summary count will be included in the meeting minutes. These comment cards will not be read.

C. Availability.

All meeting minutes of the Council, Boards, Commissions, and Committees are deemed to be public records, with the exception of executive session minutes, which, while they fall under the definition of and are considered public records by State Law, are deemed confidential and are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recordings of all open meetings of the Council, Boards, Commissions, and Committees must be available for public review by 5:00 p.m. on the third working day following each meeting, or as provided by State Law. The Town Clerk, or designee, shall ensure that the minutes of all regular, special meetings, and work sessions of the Council, Boards, Commissions, and Committees are made available through the Town's Website within two working days following their approval, or as provided by State Law.

D. Executive Sessions.

Minutes of executive sessions (1) shall be confidential; (2) are maintained and secured by the Town Clerk; and (3) may be accessed only as provided by State Law.

E. Approval.

Minutes of all meetings of the Council (other than executive sessions) may be approved under the consent agenda, unless removed for discussion and separate action.

§4. NOTICE AND AGENDA

4.1 POSTING NOTICES

A. Time.

The Town Clerk, or authorized designee, shall prepare all public meeting notices of the Council, and shall ensure posting of the meeting notices no less than 24 hours before the date and time set for said meetings in accordance with State Law. The staff liaison to each Board, Commission or Committee shall ensure that agendas are posted in the same manner as for the Council.

B. Locations.

The Fountain Hills Town Code, Section 2-4-3, states meeting notices shall be posted at a minimum of three locations within the Town, including the Community Center, Town Hall, and the Town's website.

4.2 AGENDA PREPARATION

A. Availability.

The Town Manager, or designee, shall prepare the agendas for all meetings of the Council as set forth. Agendas of all meetings of the Council shall generally be available to the public on the Thursday prior to said meetings, except in exceptional circumstances. In no event shall the agenda be made available less than 24 hours prior to said meeting unless authorized by State Law. Agendas and agenda packet materials are made available through the Town's website. The staff liaison to each Board, Commission or Committee shall ensure that the agenda is available in the same manner as required for the Council.

B. Submittal Process.

Items may be placed on the Council agenda for discussion and possible action by the following process (the agenda process for Boards, Commissions or Committees shall be as determined by the applicable Department Head, which shall be substantially the same as the Council agenda submittal process):

1. All Departments: Preparation of the Staff Report with signatures of the department director and staff (including all attachments) are provided to the Town Clerk for submittal to the Town Manager not later than the Monday prior to date of the meeting. The Town Manager approves/amends items and signs off, finalizing the item for inclusion in the agenda packet.
2. Mayor and Councilmembers: The Mayor or a Councilmember with the support of two additional Councilmembers, may direct the Town Manager, through the Future Agenda item category, to place an item on the next available agenda within the next three meetings for consideration and possible action.
3. Town Manager and Town Attorney: The Town Manager or Town Attorney may place an item on the agenda by submitting appropriate documentation to the Town Clerk.
4. Person or Group: A person or group may request an item be placed on an agenda through the Mayor or a Councilmember.

C. Timelines for Submission of Items.

1. Agenda items shall be submitted to the Town Manager by 2:00 p.m., not less than eight calendar days prior to regular, work sessions and special meetings to ensure timely delivery to Councilmembers.
2. The Town Manager may approve exceptions to the schedule in order to ensure that the distribution of all agenda packets to the Council is in conformance with these Council Rules.
3. Any requests requiring audio/visual support must be submitted to the Town Clerk for coordination with the information and technology division a minimum of 24 hours prior to the meeting. Department directors are responsible for obtaining presentation materials from applicants or presenters involved in their respective agenda items.

D. Agenda Item Submittals for Council Executive Sessions.

Items may be placed on the agenda for the Council executive session discussion (if in compliance with the Town Code and applicable State Statutes) by the following process:

1. Submission by a Councilmember, the Town Manager, or the Town Attorney (with notice to all Councilmembers).
2. Submission by the Mayor (with notice to all Councilmembers).
3. The Town Manager and the Town Attorney shall review the submittal for executive session discussions prior to placement on the agenda, to ensure that the item is the proper subject of an executive session pursuant to State Law.
4. The Town Attorney shall advise the Town Clerk regarding the appropriate agenda language of executive session items.

E. Agenda Packets.

Agenda Packets for all noticed meetings (except executive session documentation) of the Council shall be made available to Council members electronically, at least five days before regular meetings and work sessions; provided, however, that agenda packets may be supplemented later under special circumstances so long as no agenda packet material is made available less than 24 hours prior to the meeting, except in the case of exceptional circumstances or an emergency meeting.

F. Removal Requests.

Requests to remove items from the Consent Agenda occurring after the 24-hour posting deadline will be announced by the Mayor at the beginning of the meeting. The posted agenda will remain unchanged.

4.3 DISTRIBUTION OF NOTICES AND AGENDAS

A. Copies.

The Town Clerk shall ensure that the Mayor and Council receive copies of all meeting notices and agendas and any documentation provided for said meeting electronically, on the Thursday prior to the meeting, unless exceptional circumstances require a later delivery.

B. Distribution.

The Town Clerk shall ensure that the meeting notices, agendas and packet documentation, as deemed necessary, are posted to the Town's website and made

available to the Mayor and Council, the public, Town Manager, Town Attorney, and staff electronically by 6:00 p.m. on the Thursday prior to the date of the meeting.

C. Amendments.

A posted agenda may be amended up to 24 hours prior to the meeting. In exceptional circumstances, an agenda may be amended up to, but not less than, 24 hours prior to the meeting, unless otherwise authorized by State Law. Amended agendas shall indicate the date amended.

4.4 DISTRIBUTION OF MATERIALS/HANDOUTS FOR PROPOSED LANGUAGE TO AGENDA ITEMS

Mayor and Councilmembers: The Mayor and Councilmembers may submit a document/handout for consideration regarding an item on the next Council agenda. The document/handout must be presented to the Town Clerk, or designee, no later than 12:00 PM Noon the day before the council meeting. Handouts submitted after the deadline will not be disseminated to the Council for consideration.

The Town Clerk will provide copies of the Mayor's/Councilmember's handout(s) along with any online public comment cards on the dais prior to the Council meeting and will announce the documents when that agenda item is under consideration.

This process will ensure the Town Clerk has the document/handout for the permanent record, solve any transparency issues, minimize any potential open meeting violations, and avoid any disruption during the Council meeting.

§5. ORDER OF BUSINESS

5.1 ORDER OF BUSINESS

The Order of Business of each meeting shall be as contained in the agenda. The agenda shall be a sequentially numbered listing by topic and a brief description of business items that shall be taken up for consideration.

5.2 REGULAR MEETINGS

A. Agenda

The agenda shall be prepared substantially in the following order, but may be amended for brevity:

AGENDA

1. Call to Order & Pledge of Allegiance
2. Invocation
3. Roll Call
4. Statement of Participation
5. Summary of Current Events by Town Manager
6. Proclamations, Awards, and Recognitions
7. Presentations (if any)
8. Consent Agenda
9. Regular Agenda (action items grouped by subject to the extent possible)
10. Call to the Public
11. Council Discussion/Direction to the Town Manager
12. Future Agenda Items
13. Adjournment

All agendas shall have the following statement placed at the bottom:

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) the Thursday prior to the meeting to request reasonable accommodation to

participate in this meeting or to obtain agenda information in large print format. Supporting documentation and staff reports furnished to the Council are available for review in the Town Clerk's office on the day of the Council meeting, the Council Chamber doors open at 5:15 PM for public seating.

B. Roll Call for Attendance.

Following the Invocation and before proceeding with the business of the Council, the Presiding Officer shall direct the Town Clerk or designee to call the Roll, and the names of Councilmembers both present and absent shall be entered into the minutes. The order of roll call for attendance shall be: Mayor, Vice Mayor and then Councilmembers from the Mayor's far right to the Mayor's far left.

C. Statement of Participation.

The Statement of Participation may be included on the Agenda and following roll call, shall be read or displayed at each Regular Council meeting, and shall state as follows:

Anyone wishing to address the Council regarding items listed on the agenda or during Call to the Public must completely fill out a Request to Comment card located in the back of the Council Chambers and hand it to the Town Clerk prior to the start of the meeting. Once the meeting has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Comments may not exceed three minutes. It is the policy of the Mayor and Council not to comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except during Proclamations, Awards, and Recognitions. All meeting participants must maintain proper decorum as specified in Section 6 of the Council Rules of Procedure.

D. Summary of Current Events by Town Manager

A three-minute summary of current events may be given by Town Manager on Town-sponsored events and/or activities. (The Arizona Open Meeting Law does not allow discussion or action on any matter mentioned during the Summary of Current Events.)

E. Proclamations, Awards, and Recognitions.

The Mayor/Presiding Officer or his/her designee may read Proclamations, present Awards, recognize members of the community, or conduct other ceremonial matters as listed on the posted agenda.

F. Presentations.

The Town Manager may use the Presentations section to provide the Council with an update from Department Directors, contracted service providers, neighboring jurisdictions, and regional organizations.

G. Consent Agenda

1. The Consent Agenda includes items that are of such nature that discussion is not required, or issues that have been previously studied by the Council. These items may be adopted by one motion and vote.
2. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the meeting requests that an item or items be removed for discussion. Councilmembers or the public may not ask a question without removal of the item from the Consent Agenda.
3. Items removed from the Consent Agenda are considered as the first item on the Regular Agenda, unless called out of sequence as provided under Section 1.4. (Suspension of the Rules)
4. An explanatory statement shall be included on the Agenda immediately preceding the Consent Agenda heading:

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff

stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda. The remaining items on the Consent Agenda will be enacted by one motion and vote of the Council.

H. Regular Agenda.

1. At the time each business item is presented to the Council, the Town staff shall present a report on the subject and the applicant, if any, may also speak.
2. The Mayor or the Town Clerk, or designee, will then call the Request to Comment cards of those persons desiring to provide input and comments. At the appointed time, speakers will be called in the order the cards were received alternating between those “for” and “against” the agenda item.
3. Those speaking before Council will be allowed a maximum of three minutes to address Council, but time limits may be extended or reduced, (a) upon advice of the Town Attorney, (b) at the discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a meeting, (c) consensus of the Council at a meeting or (d) the Presiding Officer either prior to or during a meeting. Speakers may not (a) reserve a portion of their time for a later time, or (b) transfer any portion of their time to another speaker.
4. Questions or comments from the public shall be limited to the subject under consideration. The total time allocated for questions and comments from the public per agenda item shall not exceed 30 minutes, unless that time is extended as provided under Section 1.4 (Suspension of the Rules). If there are more than ten (10) comment cards requesting to speak, the Presiding Officer may, at the beginning of the agenda item, limit the number of speakers or limit the amount of time per speaker.

5. The Town Clerk shall use light and/or sound signals to indicate the commencement of the time for speaking for each speaker and a warning light will flash to show that the appropriate time has passed. A red light, or sound will signal that there is no longer any remaining time. Furthermore, the Mayor, Town Clerk, or other Town staff may mute the microphone when the speaker's time expires.
6. The Town Clerk shall also notify the Presiding Officer when the total time allocated for all speakers expires.
7. Speakers may also use the online Request to Comment form to provide input regarding an item on the agenda. The online Request to Comment form is found on the Town's website. The speaker must completely fill out the online form, listing a specific agenda item and submit the form no later than 12:00 p.m. on the day before the Council meeting that this item is on the agenda. The Town Clerk will provide electronic copies of these online Request to Comment forms to Councilmembers. Comments provided through the online form process will not be read out loud at the meeting but will be grouped and tallied together by the agenda item number and by categories "for and against". The Town Clerk, or designee, will announce the number of cards received, if any, and number received per category.
8. Generally, agenda items requiring public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:
 - a. The Presiding Officer will announce the matter that is set forth for a public hearing, will then open the public hearing, and, if appropriate, ask the staff to provide a report of the matter.
 - b. The Presiding Officer will then ask the applicant, if any to speak regarding the matter.
 - c. The Presiding Officer will request the Town Clerk, or designee, to call on those who have submitted Request to Comment cards.
 - d. After all public comments are heard, the Presiding Officer will close the public hearing and may ask staff or the applicant to respond to the comments.
 - e. Councilmembers may ask the applicant questions through the Presiding Officer.

f. The Presiding Officer may then call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.

g. Upon the conclusion of Council discussion, the Presiding Officer will call for action on the item.

h. Exhibits, letters, petitions, and other documentary items presented or shown to the Council during a public hearing agenda item become part of the record of the public hearing and shall be maintained by the Town Clerk.

i. Should exhibits or materials be presented at the meeting, ten collated sets of written or graphic materials should be provided by the speaker to the Town Clerk prior to the commencement of the hearing to allow for distribution to the Council, key Town staff and the Town Clerk for inclusion in the public record. Reduced copies (8" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution. The appropriate staff member shall be responsible to notify applicants of this requirement.

9. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Council in this regard.

I. Call to the Public.

1. At the time allotted for Call to the Public, the Town Clerk, or designee, will call the Request to Comment cards of those persons desiring to provide input and comments on issues not on the agenda.

2. The total time allocated for Call to the Public shall not exceed 30 minutes, unless that time is extended as provided under Section 1.4 (Suspension of the Rules). The Town Clerk, or designee, shall note at the time Call to the Public commences the exact time the Call to the Public shall conclude.

3. Those speaking before Council on a non-agenda item will be allowed a maximum of three minutes to address Council. Speakers may not (a) reserve a portion of their time for a later time or (b) transfer any portion of their time to another speaker.

4. At the conclusion of each speaker's comments, the Presiding Officer may take any or all of the following actions:

- a. Thank the speaker for addressing the issue.
- b. Ask staff to review the matter.

5. The Town Clerk shall use light and/or sound signals to indicate the commencement of the time for speaking for each speaker and a warning light will flash to show that the appropriate time has passed. A red light, or sound will signal that there is no longer any remaining time. Furthermore, the Mayor, Town Clerk, or other Town staff may mute the microphone when the speaker's time expires.

6. The Town Clerk shall notify the Presiding Officer when the total time allocated for Call to the Public has expired. Anyone speaking must immediately conclude their remarks, and no further speakers will be allowed. Speakers who were unable to speak due to time limitations may email comments to mayorcouncil@fountainhillsaz.gov.

J. Council Discussion/Direction to the Town Manager.

Members of the Council may (1) request the Town Manager follow-up on matters raised at that meeting; (2) request one two-minute response to directed criticism raised any portion of the meeting; (3) a consensus of the Council may request the Town Manager to research a matter and report back to the Council.

K. Future Agenda Items.

The Mayor or a Councilmember with the support of two additional Councilmembers, may direct the Town Manager to place an item on the next available agenda within the next three meetings for consideration and possible action.

L. Adjournment.

The open, public meeting of the Council may be adjourned by consensus of the Council.

M. Request to Comment Cards

All persons wishing to speak before the Council on an agenda item or during the Call to the Public shall fully complete a Request to Comment card and submit the card to the Town Clerk, or designee, prior to the start of the meeting. See Appendix A: Sample Request to Comment Card. Incomplete cards and late requests to speak cannot be accepted.

Sufficient request cards shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. Completed cards will be retained by the Town Clerk until the draft minutes are approved by the Council at a subsequent meeting. Speakers' names and comments will be included in the meeting minutes. Speakers will be called in the order in which the cards were received alternating between those "for" and "against" the agenda item. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his/her opportunity to speak on that matter. Request to Comment cards submitted by those who indicate they will not speak will be grouped together by the categories of "for" and "against" if the comment relates to an item on the agenda.

N. Maintaining Proper Decorum.

Proper decorum, in accordance with Section 6, must be observed by Councilmembers, by speakers in providing testimony and remarks, and by the audience. The Presiding Officer shall keep control of the meeting in accordance with Subsection 6.4(C).

O. Regular Meeting Live Stream.

Except in the event of unavoidable technical difficulties, all regular meetings shall be live streamed through the internet and available through the Town website. A monitor streaming the live proceedings shall be displayed outside of the Council Chambers, absent unavoidable technical difficulties.

5.3 SPECIAL MEETINGS

A. As Substitute for Regular Meeting.

If a special meeting is being held as an extension of or in place of a regular meeting, the agenda shall be as set forth for a regular meeting.

B. Generally.

For all other special meetings, public comment is not provided for on the agenda and may be made only as approved by consensus of the Council, unless an item on the agenda requires a public hearing. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item, if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

The Special Meeting Agenda shall include only the following agenda items as described in Section 5.2 and listed in this order:

SPECIAL MEETING AGENDA

1. Call to Order & Pledge of Allegiance
2. Roll Call
3. Consent Agenda
4. Regular Agenda (action items grouped by subject to the extent possible)
5. Adjournment

5.4 WORK SESSION MEETINGS

The primary purpose of work sessions is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item, if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

The work session agenda shall include only the following agenda items as described in Section 5.2 and listed in this order:

WORK SESSION AGENDA

1. Call to Order
2. Roll Call

3. Agenda Items for Discussion (Items Numbered for Order)
4. Adjournment

The Work Session Agenda shall include the following explanatory statement:

All Items Listed Are for Discussion Only. No Action Can or Will Be Taken. The primary purpose of work sessions is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

§6. PROCEDURES FOR CONDUCTING THE MEETING

6.1 CALL TO ORDER

A meeting of the Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the meeting shall be called to order by the Town Clerk, who shall immediately call for the selection of a temporary Presiding Officer.

6.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may debate from the chair, subject only to such limitations of debate as are imposed on all Councilmembers, and he/she shall not be deprived of any of the rights and privileges of a Councilmember by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

6.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate or shall ask the Councilmember to verbally restate, each question (motion) immediately prior to calling for discussion and the vote. Following the vote, the Presiding Officer shall ask the Town Clerk or designee to verbally announce the results of voting, including the ayes, nays and abstentions. The Presiding Officer shall publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at work sessions or executive sessions.

6.4 RULES/DECORUM/ORDER

A. Application.

1. Councilmembers: Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.

2. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to Councilmembers. The Town Manager shall ensure that all Town employees observe such decorum and will direct the participation of any staff member in the discussion of the Council. The Town Manager shall first be recognized by the Presiding Officer prior to addressing the Council. Any staff member desiring to speak shall first be recognized by the Town Manager.

3. Public: Members of the public attending the meetings shall observe the same rules of order and decorum applicable to the Council, and may only speak when recognized by the Presiding Officer.

B. Rules of Decorum

1. 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.

2. All Councilmembers shall use the queueing equipment to indicate their desire to speak.

3. 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 a repetitive discussion or motion.

4. A Councilmember, once recognized, shall limit remarks to no more than two minutes and shall not be interrupted while speaking, unless called to order by the Presiding Officer or a Point of Order or Point of Privilege is raised by another Councilmember.

5. Councilmembers shall not be 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.

6. If a Councilmember is called to order while speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter remarks so as to comply with the Rules of the Council.

7. Remarks and questions by Councilmembers shall be confined to the issue under debate. The Council shall not discuss or debate issues that are not on the formal agenda.
8. Councilmembers shall refrain from making statements adverse to the interests of the Town. If a legal question must be resolved before action can be taken, a Councilmember may raise a Point of Privilege to move to go into Executive Session.
9. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Councilmembers may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Councilmember shall engage in debate directly with such speakers, representatives or Town staff.
10. Speakers shall not question directly, or debate the matter under consideration with staff, other speakers, the audience or Councilmembers; all remarks will be addressed to the Presiding Officer.
11. The Presiding Officer shall not permit any conduct or statements that disrupt or interfere with the orderly conduct of the business of the meeting, such as:
 - a. Personal attacks.
 - b. Indecorous language or behavior.
 - c. Defamatory statements.
 - d. Imputing motives.
 - e. Unauthorized demonstrations or disruptive outbursts, such as applause, stamping of feet, whistles, boos, yells, or any sound or action that disrupts the meeting.
 - f. Threatening or intimidating comments or conduct, whether overt or inferred.
 - g. Yelling, shouting, or screaming.
 - h. Abusive or profane remarks.
 - i. Incitement of violent or illegal acts.

j. Fighting words, *i.e.* speech that is likely to provoke an immediate violent reaction.

12. 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. The Presiding Officer also may not engage in viewpoint discrimination.

13. Face coverings that conceal the identity of the wearer are not permitted at meetings, except for (a) properly fitted medical-grade masks or respirators for a bona fide medical condition worn at all times by the wearer, except when recognized to speak before the Council, or (b) religious face coverings that are a part of the wearer's core tenant of faith and part of the wearer's consistent public appearance.

C. Enforcement of Decorum.

Proper decorum is to be maintained during all meetings by the Council, staff and guests. The Presiding Officer shall preserve decorum and decide all questions of order, subject to the appeal to the Council.

If proper decorum is not maintained, the Presiding Officer shall have the authority to:

- a. Recess the meeting for a brief time to abate the disruption.
- b. Direct a law enforcement officer present at the meeting to remove from the meeting the person(s) whose conduct is disorderly or disruptive.
- c. Clear the Council Chambers and restrict access to the Council, employees, applicants, and presenters. Members of the public who have completed Request to Comment cards may be granted access at the time allocated for them to speak.

The Presiding Officer shall also ensure speakers maintain decorum and, when necessary, shall request that a speaker refrain from improper conduct. If the speaker refuses, the Presiding Officer may end the speaker's time at the podium. If the speaker refuses to yield the podium after being asked to do so by the Presiding Officer, the Presiding Officer may (1) recess the meeting for a brief time, and/or (2) direct a law enforcement officer present at the meeting to remove from the meeting the person whose conduct is disorderly or disruptive.

6.5 TELECONFERENCE PROCEDURE

Meetings may be conducted by teleconference as follows:

A. Prior Notice.

When a Councilmember is unable to attend a meeting and desires to participate in the meeting by telephone, the Councilmember shall be permitted to do so provided he/she gives the Town Clerk, or designee, notice of his/her inability to be present at the meeting at least 24 hours prior to the meeting.

B. Notation on Agenda.

The notice of the meeting and the agenda shall include the following: "Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call."

C. Public Access.

Facilities will be used at the meeting to permit the public to observe and hear all telephone communications.

D. Notation in Minutes.

The minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone.

6.6 ADDRESSING THE COUNCIL

A. Manner of Addressing the Council.

1. Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, the speaker shall clearly state his/her name for the record and shall indicate if he/she is a Town resident.
2. Special assistance for sight and/or hearing-impaired persons can be provided. Anyone requiring such assistance should contact the Town Clerk the Thursday prior to a meeting to request an accommodation to participate in the meeting.

B. Limitation Regarding Public Comment and Reports.

The making of oral communications to the Council by any member of the public during the “Call to the Public” or under an action item, shall be subject to the following limitations:

1. All speakers wishing to address the Council shall complete and submit a Request to Comment form as set forth in Subsection 5.2(M).
2. The Presiding Officer shall limit the “Call to the Public” and public comment on each agenda item to no more than thirty (30) minutes to allow the meeting to proceed and end in a timely manner.
3. If it appears that several speakers desire to provide repetitive comments regarding a single topic, the Presiding Officer may limit the number of speakers.
4. The Presiding Officer may further limit the number of speakers or duration of the comment period as reasonably necessary to allow the meeting to end in a timely manner.

C. Motions.

1. *Processing of Motions:* When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.
2. *Precedence of Motions:* When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:
 - a. Fix the time to adjourn
 - b. Adjourn
 - c. Recess
 - d. Point of Order or Privilege
 - e. Table
 - f. Limit or terminate discussion
 - g. Postpone or continue
 - h. Amend
 - i. Postpone Indefinitely

j. Main Motion

3. *Motions Defined:*

Point of Order: A point of order may be raised by a Member when there is a disturbance, lack of decorum, or to raise a question of whether there has been a breach of the Rules of Procedure. A point of order can interrupt any speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered. Once raised, the Presiding Officer shall determine the Point of Order and may consult with the Parliamentarian in so doing. Once determined, the Presiding Officer's decision may be challenged by an appeal from any Member. If any appeal is taken, the question (motion) shall be substantially similar to the following: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such Point of Order. If the Presiding Officer fails to act on a Point of Order, any Member may move to require the Presiding Officer to enforce decorum. An affirmative vote of the majority shall require the Presiding Officer to act.

Point of Privilege: A point of privilege allows a member to interrupt proceedings to address urgent matters affecting their ability to participate, their reputation, or the assembly's comfort, safety, or rights. A Point of Personal Privilege addresses an individual member's concerns, such as a misquoted statement, inability to hear, or an unfair attack on their character, allowing them to clarify or correct the record. Point of General Privilege addresses concerns the comfort, safety, or rights of the entire assembly, like a broken microphone, extreme heat, or a need to call for a closed executive session.

Motion to Table: A motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of

the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

Motion to Limit or Terminate Discussion: Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as "Call for the Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion; it requires a two-thirds vote. The vote shall be taken by voice. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

Motion to Continue: Motions to continue shall be debatable only as to the propriety of postponement. Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set only.

Motion to Amend: A motion to amend shall be debatable only as to the amendment.

- a. A motion to amend an amendment on the floor shall not be in order.
- b. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.
- c. Amendments shall be voted on first, prior to consideration of subsequent amendments. After all amendments have been voted on, the Council shall vote on the main motion (as amended, if applicable).

Motion to Postpone Indefinitely: A motion to postpone indefinitely is used to dismiss an item on the agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

D. Addressing the Council after Motion is made.

After the motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.

E. Voting Procedure.

After discussion has been concluded and the Mayor, the Councilmember who made the motion or the Town Clerk has restated the motion under consideration, the following procedure shall apply:

1. Casting a Vote:

- a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained and recorded in the meeting minutes. Upon the request of the Mayor or a Councilmember, the vote shall be taken by roll call.
- b. The vote on each motion shall be entered into the record by the names of the Councilmembers voting for or against. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
- c. If a Councilmember has declared a Conflict of Interest, the Town Clerk shall include a statement such as "Abstained due to declared Conflict of Interest" in the official minutes as part of the results of the vote. The Councilmember shall fill out a "Conflict of Interest" form and submit it to the Town Clerk for the record prior to the end of the meeting at which the conflict was declared.
- d. If the roll call method of voting is used, the Town Clerk or designee shall call the names of members in random order with each new vote concluding the vote with the Vice Mayor and Mayor respectively. Members shall respond "Aye" or "Nay."

2. Failure to Vote:

- a. All Councilmembers in attendance at a duly called meeting that requires formal Council action are required to vote. A member may

abstain from voting only if he/she has a Conflict of Interest under State Law, in which case such member shall take no part in the deliberations on the matter in question. Councilmembers should contact the Town Attorney to verify if they have a conflict of interest, prior to meeting the Councilmember perceives they have a Conflict of Interest.

- b. Should a Councilmember fail to vote "Aye" or "Nay" or offer a voluntary abstention, his/her vote shall be counted with the majority of votes cast, unless the Councilmember's vote is excused by the State Law; however, in the event of a tie vote, his/her vote shall be counted as "Aye."
3. Reconsideration: Any Councilmember who voted with the majority may move a reconsideration of any action at the same or next regular meeting. To ensure that the open meeting law requirements are met, a written request from such Councilmember must be submitted to the Town Clerk's Office at least eight days prior to the next regular meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.
4. The affirmative vote of a majority of a quorum shall be required for passage of any matter before the Council.

§7. CONFLICT OF INTEREST

7.1 INTRODUCTION

Occasionally, a Councilmember may find himself/herself in a situation that requires a Councilmember to remove himself/herself from participation in discussion and voting on a matter before the Council. This situation exists when the Councilmember has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives.

7.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

7.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law as now set forth or as amended in the future, applies to all actions taken by Councilmembers, Board members, Commissioners, and Committee members.

7.4 DISCLOSURE OF INTEREST

Any Councilmember, Board member, Commissioner, or Committee member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State Law. Any member who has a conflict of interest in any decision must disclose that interest at the meeting and in writing on a form provided by the Town Clerk, or designee. The disclosure of the conflict shall include a statement that the member withdraws from further participation regarding the matter. The Town Clerk or designee shall maintain for public inspection all

documents necessary to memorialize all disclosures of a conflict of interest by a member.

7.5 WITHDRAWAL FROM PARTICIPATION

Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember, Board member, Commissioner, or Committee member must not communicate about the matter with anyone involved in the decision-making process in any manner. Further, the member should not otherwise attempt to influence the decision and should remove himself/herself from the Council Chambers, or other location where a meeting is being held, while the matter is considered.

Failure to disclose any conflict of interest is addressed in Section 7.8.

7.6 RULE OF IMPOSSIBILITY

In the unlikely situation that the majority of Councilmembers, Board members, Commissioners, or Committee members have a conflict of interest, and the Council, Board, Commission or Committee is unable to act in its official capacity, members may participate in the discussion and decision after making known their conflicts of interest in the official records.

7.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are (A) part of the compensation they would normally be entitled to for performing their duties or (B) otherwise permitted according to State Law.

7.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in State Law.

7.9 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Councilmember, Board member, Commissioner, or Committee member may feel that he/she should ethically refrain from participating in a decision even though the circumstances may not amount to a conflict of interest under the State Law. It is the policy of the Council to encourage members to adhere to strongly held ethical values, which are exercised in good faith. However, Subsection 6.6(E)(2) encourages participation in the decision-making process unless the matter involves a statutory conflict of interest set forth by State Law.

§8. CODE OF ETHICS

PREAMBLE:

The residents of Fountain Hills are entitled to have a fair, ethical, and accountable government, which has earned the public's full confidence. In keeping with the Town of Fountain Hills' commitment to the effective functioning of government, public officials, both elected and appointed, shall comply with the laws and policies affecting the operations of government; be independent, impartial and fair in their judgment and actions and use their office for the public good and not for personal gain.

The purpose of this policy for the Town is to ensure the quality of the Town Government through ethical principles that shall govern the conduct of the Council and members of the Town's Boards, Commissions, and Committees.

In furtherance of this purpose, Town Council, Board, Commission and Committee Members, shall:

8.1 OBEY THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, THE CONSTITUTION, AND LAWS OF THE STATE OF ARIZONA AND THE LAWS OF THE TOWN OF FOUNTAIN HILLS. WORK TO ENACT AND ENFORCE LAWS THAT PROMOTE THE WELL-BEING OF OUR COMMUNITY.

8.2 AFFIRM THE DIGNITY AND WORTH OF THE SERVICES RENDERED BY THE TOWN GOVERNMENT AND MAINTAIN A DEEP SENSE OF SOCIAL RESPONSIBILITY AS A TRUSTED PUBLIC SERVANT.

8.3 BE DEDICATED TO THE HIGHEST IDEALS OF HONOR, ETHICS, AND INTEGRITY.

A. Public Confidence. We shall conduct ourselves so as to maintain public confidence in Town government and in the performance of the public trust. We

recognize our responsibility, when serving in our official capacity, and will practice the following:

- Engage in constructive conversations and debates that encourage the exchange of ideas while avoiding personal attacks or derogatory language.
- Refrain from making verbal attacks upon the character or motives of other members of the Council, Boards, Commissions, the staff, or the public.
- Refrain from making disparaging remarks about the other members of the Council, Boards, Commissions, the staff, or the public.

B. Impression of Influence. We shall conduct our official and personal affairs in such a manner as to give a clear impression that we cannot be improperly influenced in the performance of our official duties.

C. Advocacy. We shall represent the official policies or positions of the Town Council, Board, or Commission to the best of our ability when designated as delegates for this purpose. When presenting our own individual opinions and positions to the public, the media, or other stakeholders, we shall state they do not represent the Council or the Town of Fountain Hills nor imply that they do.

8.4 SEEK NO FAVOR; BELIEVE THAT PERSONAL BENEFIT OR PROFIT SECURED BY CONFIDENTIAL OR PRIVILEGED INFORMATION OR BY MISUSE OF PUBLIC TIME IS DISHONEST.

A. Private Employment. We shall take any steps necessary to ensure that we comply with the State Law regarding conflicts of interest when we engage in, solicit, negotiate for, or promise to accept private employment or render services for private interests or conduct a private business.

B. Confidential Information. We shall not disclose to others, or use to further our personal interest, confidential information acquired in the course of our official duties.

C. Gifts. We shall not directly or indirectly, in connection with service to the Town, solicit any gift or accept or receive any gift - of any value - whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of

gratuity. This policy shall not apply to hospitality, transportation or other assistance provided to Town officials when such hospitality, transportation or other assistance is (i) directly related to their participation in community events as a representative of the Town or (ii) of inconsequential value and accepted as a courtesy.

D. Investment in conflict with official duties. We shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with our official duties.

E. Personal relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of conflict of interest or a conflict of interest.

All members of the Council, Boards, Commissions, or Committees shall acknowledge in writing, on a form provided by the Town Clerk, or designee, receipt of these provisions relating to ethics.

§9. BOARDS, COMMISSIONS, AND COMMITTEES

The Fountain Hills Council may create such Boards, Commissions, or Committees as deemed necessary to assist in the conduct of the operation of Town government. The Council may authorize and direct the Town Manager to establish ad hoc committees as needed in order to provide additional flexibility with regard to conducting Town business.

9.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES

A. Classification.

All Boards, Commissions, or Committees of the Town shall be classified as regularly scheduled or unscheduled Boards, Commissions, or Committees. Regularly scheduled Boards, Commissions, or Committees are those that meet on a regularly-scheduled basis or may be quasi-judicial in nature. Unscheduled Boards, Commissions, or Committees meet on an as-called basis.

B. Regularly Scheduled.

Regularly scheduled Boards, Commissions, or Committees include:

1. Planning and Zoning Commission
2. Community Services Advisory Commission
3. Strategic Planning Advisory Commission
4. Municipal Property Corporation
5. Historic and Cultural Advisory Commission

C. Unscheduled.

Unscheduled Boards, Commissions, or Committees:

1. Ad Hoc Committees
2. Board of Adjustment

D. Sunset.

Except for the Planning and Zoning Commission and Board of Adjustment, any Boards, Commissions, or Committees created shall cease to exist (1) upon the accomplishment of the special purpose for which it was created, or (2) when abolished by a majority vote of the Council.

9.2 SELECTION OF BOARD, COMMISSION, OR COMMITTEE MEMBERS

A. Call for Applications.

The call for applications to fill vacant seats for Boards, Commissions, or Committees may include a request for:

1. The application that describes the applicant's skills, experience, and educational background are needed to ensure the successful filling of the vacancy. Applicants may submit a resume along with the application; however, not in lieu of filling out the application.
2. Responses to the supplemental questionnaire specific to a Board Commission, or Committee application, if such questionnaire is included.
3. The Consent to Executive Session form.
4. If a member whose term will be expiring wishes to reapply for an additional term on the same Board, Commission or Committee, such member is exempt from filing those items as listed in Subsections 9.2 (A)(1 and 2). However, such member shall submit in writing, on a form provided by the Town Clerk or designee that includes a request for the Council's consideration of reappointment in addition to the Consent to Executive Session form as listed in Subsection 9.2(A)(3). The member may include any new or additional information that is relevant to the original application already on file.

B. Advertising/Timing and Location.

The Town Clerk or designee shall be responsible for advertising to fill vacant seats to Boards, Commissions, and Committees for at least two weeks and no later than two months, prior to the expiration of the current Board, Commission, or Committee member(s) term, via the Town's three official posting sites as listed in Section 2-4-3 of the Fountain Hills Town Code. The application will be placed on the Town's website

for public access with hard copies made available to the public through the Town's Customer Service Representative.

C. Advertisement Contents.

Advertisement of vacancies shall include the following:

1. The name of the Board, Commission, or Committee.
2. The number of vacancies to be filled.
3. A brief description of the Board, Commission, or Committee.
4. A brief description of the qualifications, skills and experience background applicants should possess, if any.
5. An overview of when the Board, Commission, or Committee meets.
6. The deadline for submitting applications.
7. Listing of applicant information required and location where application packets may be obtained.
8. Staff Liaison contact information.

D. Staff Review.

Individuals applying for Boards, Commissions, or Committees must submit to the Town Clerk or Staff Liaison those items as listed in Subsection 9.2(A) by the published deadline. The Town Clerk or Staff Liaison will review the application(s) to ensure that the applicant(s) meet the qualifications as listed in Subsection 9.4(A)

E. Council Materials.

The staff liaison to the Board, Commission, or Committee will assemble and copy all application packets and provide all supporting materials to all Councilmembers.

F Subcommittee Review/Interview.

The Council subcommittee shall interview all applicants, unless there are more than five applicants for each vacancy, in which case the subcommittee may choose, at its discretion, to limit the number of interviewed applicants to five per vacancy after meeting to review all of the applications. The staff liaison will schedule an appropriate time to interview qualified applicants in person or via telephone and shall prepare and post the agenda for an executive session in accordance with the Arizona open meeting law for said interviews. Interviews shall be conducted in Executive Session unless the applicant requests the interview be held at a public meeting.

G. Subcommittee Recommendation.

After the interviews have concluded, the staff liaison, Town Clerk or the Council Subcommittee Chair shall advise the Mayor of the subcommittee's discussion and appointment recommendation(s).

H. Council Consideration.

The Staff Liaison shall prepare the Staff Report according to the submission deadline and provide to the Town Clerk, or designee, for the next appropriate Council meeting agenda, including the following information: (1) a review of the steps taken to recruit applicants, (2) the number of vacancies to be filled along with the names of those members whose terms expire, (3) the number of applications received and (4) the specific term to be filled.

I. Notification of Council Meeting.

The staff liaison shall notify the appointee(s) that he/she is a possible candidate for appointment to a Board, Commission, or Committee and suggest that he/she may want to be present at the scheduled meeting when the recommendation is presented to the Council.

J. Notification of Council Action.

Following the Council's approval of the Mayor's appointment(s) to a Board, Commission, or Committee, the Town Clerk or designee shall notify appointees as to their appointment and provide them with an Oath of Office, Ethics Policy and Open Meeting Law Affirmation for their signature and return. Those applicants not chosen to fill a vacancy on a Board, Commission, or Committee, will be provided written notification by the Staff Liaison outlining the Council's appointments and they will be provided with an application of interest for consideration of applying for any other Board, Commission, or Committee vacancies.

K. Appointee Orientation.

The Staff Liaison will provide specific details to the new appointees relative to: (1) their attendance at the "official" Board, Commission, or Committee orientation, and (2) all official literature, agendas, minutes, or other materials specific to their appointment.

9.3 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

A. Appointments Subcommittee.

The Mayor may annually appoint Council Subcommittees for Board, Commission, or Committee appointments. Each subcommittee shall be made up of three Councilmembers. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, at a minimum, a quorum of the Fountain Hills Town Council shall review applications and conduct interviews for the various Boards, Commissions, or Committees to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.

B. Subcommittee Purpose.

The purpose of this Council Subcommittee is to review applications, interview applicants (in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.

C. Appointment Timing.

The process of application review and interviews will be conducted in such a manner as to allow for the appointments to coincide with the term expiration of the current Board, Commission or Committee member(s) term or as soon thereafter as reasonably possible.

9.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

A. Minimum Qualifications.

All members of Boards, Commissions, and Committees shall meet the following minimum qualifications upon their appointment to any Board, Commission, or Committee. Each member must be:

1. Eighteen years of age or older, for any Board, Commission, or Committee seats, designated by Council; except for members appointed to Youth Commissioner position for youth representation.

2. A Fountain Hills resident for at least one year, unless the Council specifically waives this time or residency requirement for a specific Board, Commission or Committee.
3. A qualified elector, except for youth appointees.

B. Prohibited Appointees.

Town employees or appointed officers shall not be eligible for appointment to any Board, Commission, or Committee but may be requested to provide staff support thereto. Councilmembers are prohibited from serving on regularly scheduled commissions as listed in Subsection 9.1(B) and the Board of Adjustment.

C. Ex-Officio Members.

The Mayor, with the consent of the Council, may from time to time appoint ex-officio members to those Boards, Commissions or Committees as set forth in the bylaws of such body. Such members shall serve at the pleasure of the Mayor and Council. Ex-officio members shall not be entitled to vote on any matter brought before the commission.

9.5 TERMS, VACANCIES, REMOVAL

A. Terms.

All members of unscheduled Boards, Commissions, and Committees shall serve a term of up to three years, or until the Board, Commission, or Committee is dissolved, unless Council action, Town Code, or Arizona Revised Statutes specifically designates terms.

B. Staggered Terms for Smaller Boards.

For those regularly scheduled Boards, Commissions, and Committees having five members or fewer, the terms of office shall be staggered so that no more than two terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any Boards, Commission, or Committee that will be in existence for a single term.

C. Staggered Terms for Larger Boards.

For those Boards, Commissions, and Committees having more than five members but less than eight members, the terms of office shall be staggered so that no more than three terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any Board, Commission, or Committee that will be in existence for a single term.

D. Simultaneous Service Limitation.

No individual may serve as a voting member on more than one regularly scheduled or unscheduled Board, Commission, and Committee at one time.

E. Vacancies.

A vacancy on a Board, Commission, or Committee shall be deemed to have occurred upon the following:

1. Death or resignation of a member of a Board, Commission, or Committee.
2. A member ceasing to be a resident of the Town of Fountain Hills, unless the Council has provided that such member may be a non-resident.
3. Three successive unexcused or unexplained absences by a member from any regular or special Board, Commission, or Committee meetings. However, the term of all members shall extend until their successors are appointed and qualified.

F. Removal.

Any Board, Commission, or Committee member may be removed as a member to that Board, Commission, or Committee, or in accordance with Article 2A-1-1 of the Fountain Hills Town Code.

G. Filling Vacancy.

Whenever a vacancy has occurred on one Board, Commission, or Committee procedures described in Sections 9.2, 9.3, and 9.4 will be used to generate applicants, interview applicants, and make a recommendation for a potential appointee. One exception to this rule is that if a vacancy should occur within twelve months of a subcommittee's interviewing process for said Board, Commission, or Committee, and the subcommittee had submitted a ranking of those previously

interviewed, a recommendation may be forwarded to the Mayor for appointment of the unexpired term based on said ranking.

H. Re-appointment.

An incumbent member of a Board, Commission, or Committee seeking reappointment shall submit, in writing, on a form provided by the Staff Liaison that includes a request for the Council's consideration of reappointment in addition to the consent to executive session form by the published deadline in order to be considered for appointment by the Council. The member may include anyone or additional information that is relevant to the original application already on file.

9.6 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All Board, Commission, or Committee are subject to the Arizona Open Meeting Law and therefore shall attend the Town's Annual Open Meeting Law training.

9.7 RESIDENCY REQUIREMENT

Members of all Boards, Commissions, or Committees shall be residents of the Town.

APPENDIX A

Sample Request to Comment Card

REQUEST TO COMMENT		
<i>Complete a separate card for each agenda item. Instructions on reverse side. Incomplete cards cannot be accepted.</i>		
Name: _____	Phone Number: _____	Date: _____
I am a Fountain Hills resident ☐ or, I reside in: _____		
Title/Organization: _____		I represent (# of people): _____
☐ I wish to speak at the Call to the Public (to comment on an item NOT on the consent or regular agenda).		
Agenda Item # _____	☐ FOR ☐ AGAINST	
☐ I wish to speak OR		
☐ I wish to comment in writing _____		

January 2026		

INSTRUCTIONS
The public is welcome to participate in Council meetings.
TO SPEAK OR COMMENT IN WRITING TO A CONSENT OR REGULAR AGENDA ITEM , fully complete a Request to Comment card and hand it to the Town Clerk prior to the meeting commencing. To speak on an agenda item, you must include the agenda item NUMBER on which you wish to comment and check the box on whether you are FOR or AGAINST the agenda item. You must also check the box on whether you would like to speak or comment in writing. Hand the completed card to the Town Clerk prior to the meeting commencing. A separate submission is required for each agenda item.
TO SPEAK AT THE CALL TO THE PUBLIC , fully complete a Request to Comment card and hand it to the Town Clerk prior to the meeting commencing.
<i>Late or incomplete Request to Comment cards cannot be accepted.</i> All meeting attendees shall observe the rules set forth in Section 6 of the Town of Fountain Hills Council Rules of Procedure. Speakers may only speak when recognized by the Presiding Officer and will be allowed up to three minutes to address the Council. Comments must be directed through the Presiding Officer and not to individual Members or to staff.
TO COMMENT IN WRITING ONLINE: Visit https://www.fountainhillsaz.gov/publiccomment and submit a Request to Comment card no later than 12:00 PM on the day prior to the meeting. These comments are shared with the Town Council.
This Request to Comment card, and any information you write on it, is a public record subject to public disclosure.

Section RULES OF
1. PROCEDURE
1.1 PROCEDURES

TOWN OF FOUNTAIN HILLS



COUNCIL RULES OF PROCEDURE

Adopted August 7, 2003 by Ordinance 03-17
Amended April 7, 2005 by Resolution 2005-30
Amended November 17, 2005 by Resolution 2005-52
Amended November 17, 2005 by Resolution 2005-63
Amended May 18, 2006 by Resolution 2006-28
Amended December 7, 2006 by Resolution 2006-47
Amended December 7, 2006 by Resolution 2006-52
Amended July 2, 2009 by Resolution 2009-29
Amended November 7, 2013 by Resolution 2013-26
Amended February 6, 2014 by Resolution 2014-09
Amended March 5, 2019 by Resolution 2019-15
Amended September 3, 2019 by Resolution 2019-46
Amended October 5, 2021 by Resolution 2021-33
Amended February 21, 2023 by Resolution 2023-05
Amended March 21, 2023 by Resolution 2023-08
Amended September 6, 2023 by Resolution 2023-30
Amended April 15, 2025 by Resolution 2025-15
Amended November 18, 2025 by Resolution 2025-42
Amended February 3, 2026 by Resolution 2026-02

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§1. RULES OF PROCEDURE

1.1 PROCEDURES

The following are the basis for and are used in conjunction with these basic Rules of Procedure for meetings of the Council, Boards, Commissions and Committees:

- ~~A.~~ A. State Law

- ~~B.~~ B. Town Code, including these Council Rules

- ~~C.~~ C. Parliamentary Procedure at a Glance, New Edition, ~~by~~00. Garfield Jones

~~D.~~ D. Roberts Rules of Order, 12th edition, as amended

In case of inconsistency, conflict, or ambiguity among the documents listed above, such documents shall govern in the order in which they are listed.

~~1.2~~ 1.2 PRESIDING OFFICER

As provided by the Town Code, the Mayor, or in the Mayor's absence, the Vice-Mayor, is the Presiding Officer of all meetings of the Council. In the absence or disability of both the Mayor and the Vice-Mayor, the meeting shall be called to order by the Town Clerk or designee whereupon, the Town Clerk shall immediately call for the selection of a temporary Presiding Officer. If a majority of the Councilmembers present are unable to agree on a Presiding Officer for the meeting, the meeting shall automatically be adjourned, and all agenda items shall be carried over to the next regular Council meeting.

~~1.3~~ 1.3 PARLIAMENTARIAN

The Town Attorney shall serve as Parliamentarian for all meetings. The Town Clerk shall act as Parliamentarian in the absence of the Town Attorney and the Town Manager shall act as Parliamentarian in the absence of both the Town Attorney and Town Clerk.

~~1.4~~ 1.4 SUSPENSION OF THE RULES

The Council, by a three-quarter vote of all members present, may suspend strict observance of these Council Rules or other policies and procedures for the timely and orderly progression of the meeting; provided, however, that a simple majority of the Council may cause a change in the order of items on the agenda.

~~1.5~~ 1.5 MAYOR SEATING OF THE COUNCIL

The Mayor, prior to the first meeting held in December, will provide the councilmember seating chart to the Town Clerk.

~~1.6~~ 1.6 VICE MAYOR ROTATION

The eight-month rotation of the Vice Mayor is based in order of the highest number of votes received at which the councilmember was elected as provided for on the final election results received from Maricopa County Elections. If Councilmember(s) wins at the Primary Election,

the Councilmember(s) will placed ahead of those Councilmember(s) who win at the General Election, utilizing the same process as just stated.

SECTION

DRAFT

§ 2. DEFINITIONS

~~2.1~~ 2.1 AGENDA

As set forth in the Order of Business, an agenda is a formal listing of items to be considered by

- (i) ~~(i)~~ the Council at a noticed meeting of the Council or ~~(ii)~~
- (ii) the applicable Board, Commission or Committee at a noticed meeting of that body.

The content of the agenda may not be changed less

than the Thursday prior to the public meeting, except in exceptional circumstances, but in no event shall the agenda be altered less than 24 hours prior to the public meeting, unless otherwise authorized by State Law.

~~2.2~~ 2.2 AGENDA PACKET

A compilation of documents supporting the items listed on the agenda and requiring Council consideration or action, which may be used by Council, staff and the public for more in-depth information than may be presented in an oral report. The agenda packet is organized as set forth in the Order of Business in Section 5 below and is generally made available electronically to the Council and to anyone on the Town's website by 6:00 p.m. the Thursday prior to the date of the meeting.

~~2.3~~ 2.3 CONSENT AGENDA

Items listed on the Consent Agenda are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Council. All motions and subsequent approvals of Consent Agenda items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the consent agenda, he/she may request so prior to the motion to accept the Consent Agenda or by notifying the Town Manager prior to the date of the meeting. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda.

~~2.4~~ 2.4 COUNCIL

Collectively, the Mayor and Common Council of the Town of Fountain Hills.

~~2.5~~ 2.5 COUNCIL RULES

The Town of Fountain Hills, Arizona Town Council Rules of Procedure.

~~2.6~~ 2.6 MEETING

The gathering, in person or by technological devices, of a quorum of the Council, Boards, Commissions or Committees, at which the Councilmembers, Board members, Commissioners, or Committee members discuss, propose or take legal action, including any deliberations by a quorum with respect to such action. If a quorum is not present, those in attendance will be named for the record by the Town Clerk or the staff liaison for a Board, Commission or Committee.

~~2.7~~ 2.7 NOTICE

A formal announcement to the public that sets the date, time and the place at which a meeting will be held. Such notice of meetings shall be in accordance with the State Law, the Town Code and these Council Rules. Council will approve the new calendar year meeting schedule at the first council meeting in December.

~~2.8~~ 2.8 QUORUM

The minimum number of Members of the Council, Board, Commission, or Committee that must be present in order for business to be legally transacted. Unless otherwise specified in State Law or the Town Code, a quorum is the majority of members of the public body.

~~2.9~~ 2.9 TOWN

The Town of Fountain Hills, an Arizona municipal corporation.

SECTION

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§3. MEETINGS

~~3.1~~ 3.1 REGULAR MEETINGS

A. Regular Meeting Date; Time.

~~A.~~—The Council shall hold regular meetings on the first and third Tuesday of each month at 5:30 P.M. When deemed appropriate, any regular meeting date of the Council may be changed or cancelled by a majority of the Council. Notice of the rescheduled

or cancelled meeting shall be given to the public as is reasonable and practicable under the circumstances and in compliance with State Law. All regular meetings shall be held at the Town Hall Council Chambers or at such places as may be prescribed by the Mayor or the Town Manager. The Council may provide for a "Call to the Public" at such regular meetings.

B. Holidays.

~~B.~~ When the day for a regular meeting of the Council falls on a legal holiday, no meeting shall be held on such a holiday, but such a meeting shall be held at the same time and the same location on the day designated by the Council that is not a holiday, unless the meeting is otherwise cancelled by the Council.

~~3.2~~ 3.2 ADJOURNED MEETINGS

Any meeting may be adjourned to a certain time, place and date, but not beyond the next regular Council meeting. Once adjourned, the meeting may not be reconvened except at the time, date and place provided for in the motion to adjourn. Reconvened meetings shall not provide for a "Call to the Public".

~~3.3~~ 3.3 SPECIAL MEETINGS

The Mayor, the Town Manager, or the Town Clerk (upon the written request of three Councilmembers), may convene the Council at any time after giving at least 24 hours' notice of such a meeting to members of the Council and the public. The notice shall include the date,

place, time and purpose of such a special meeting. Special meetings shall not provide for a "Call to the Public".

~~3.4~~ 3.4 WORK SESSIONS

A. How Convened; When Convened; Notice.

~~A.~~ The Mayor or the Town Manager (at his own discretion or upon the written request of three Councilmembers) may convene the Council in a work session at any time after giving notice at least 24 hours in advance of such a work session to members of the Council and the general public. The notice shall include the date, place, hour and purpose of such work session.

B. Purpose.

~~B.~~ Work sessions are held for the purpose of presentations and discussions on such issues that require more in-depth consideration by the Council than may be possible at a regular meeting. No formal action of the Council may be taken at such a work session, other than consensus or conveying directions to staff for further action. Work sessions shall not provide for a "Call to the Public."

~~consensus or conveying directions to staff for further action.~~

~~3.5~~ 3.5 EXECUTIVE SESSIONS

Subject to applicable State Law, the Council may hold such closed executive sessions as necessary to conduct the business of the Town as allowed by State Law such as regarding personnel or for the purpose of obtaining legal counsel. Executive Sessions are closed to the public and shall not provide for a "Call to the Public."

~~3.6~~ 3.6 EMERGENCY MEETINGS

As provided by State Law, the Mayor and Council or the Town Manager may call a special emergency meeting to discuss or take action on an unforeseen issue where time is of the essence and sufficient time does not provide for the posting of a meeting notice 24 hours or more before the meeting. Notice of an emergency meeting of the Council will be posted within 24 hours following the holding of an emergency meeting. The notice will include the emergency meeting's agenda and a brief but complete description of the nature of the emergency. Emergency meetings shall not provide for a "Call to the Public".

~~3.7~~ 3.7 MEETINGS TO BE PUBLIC

A. Open to Public.

~~A.~~ With the exception of executive sessions, all regular, special and work session meetings of the Council, Boards, Commissions, and Committees shall be open to the public, including members of the media. Where practicable, all regular, special, and work session meetings of the Council shall be live-streamed through the Town website, the recording of which such shall be archived and available to the public. Members of the media wishing to record meetings using professional audio or video equipment must obtain written approval before the meeting from the Town Manager, or designee, before setting up any professional equipment.

B. Public Comment.

~~B.~~ Public comment is not taken at executive or work sessions, emergency meetings or at special meetings, unless the special meeting is held in place of a regular meeting, or unless the special meeting includes a public hearing on the agenda.

~~3.8~~ 3.8 MINUTES OF MEETINGS

A. Staffing.

~~A.~~ The Town Clerk shall ensure staff attendance at all regular, special, work session, emergency and executive session meetings of the Council for the purpose of taking notes and/or audio recordings of the meeting. The Town staff liaison to each Board, Commission or Committee shall ensure staff attendance at all meetings for the purpose of taking notes and/or audio recordings of the meetings.

B. Recordings; verbatim written minutes.

~~B.~~ To the extent possible, all open, public meetings shall be recorded by means of audio or video technology. In addition, written minutes reflecting legislative intent shall be taken so that an accounting of the issues discussed, and actions taken are compiled and entered into the permanent minutes and kept on file in the Office of the Town Clerk. Audio or video recordings of meetings will be retained for a period of time in accordance with the current Town of Fountain Hills and/or State of Arizona approved records retention and disposition schedules. Minutes shall identify speakers by name and shall indicate whether they are Fountain Hills residents, and whether they support or oppose the proposed action (i.e. "for" or "against") along with a summary of the speakers' verbal comments provided at the meeting. Comment cards submitted by individuals not wanting to speak in-person but desiring to indicate whether they support or oppose the proposed agenda action (i.e. "for or against") will be tallied by the Town Clerk and announced. A summary count will be included in the meeting minutes. These comment cards will not be read.

C. Availability.

~~C.~~ All meeting minutes of the Council, Boards, Commissions, and Committees are deemed to be public records, with the exception of executive session minutes, which, while they fall under the definition of and are considered public records by State Law, are deemed confidential and ~~are~~ are only available under limited conditions or by Court Order. Transcribed minutes, or the audio or video recordings of all open meetings of the Council, Boards, Commissions, and Committees must be available for public review by 5:00 p.m. on the third

working day following each meeting, or as provided by State Law. The Town Clerk, or designee, shall ensure that the minutes of all regular, special meetings, and work sessions of the Council, Boards, Commissions, and Committees are made available through the Town's Website within two working days following their approval, or as provided by State Law.

D. Executive Sessions.

D. Minutes of executive sessions (1) shall be confidential; (2) are maintained and secured by the Town Clerk; and (3) may be accessed only as provided by State Law.

E. Approval.

~~E.~~ Minutes of all meetings of the Council (other than executive sessions) may be approved under the consent agenda, unless removed for discussion and separate action.

SECTION

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§4. NOTICE AND AGENDA

~~4.1~~ 4.1 POSTING NOTICES

A. Time.

~~A.~~ The Town Clerk, or authorized designee, shall prepare all public meeting notices of the Council, and shall ensure posting of the meeting notices no less than 24 hours before the date and time set for said meetings in accordance with State Law. The staff liaison to each Board, Commission or Committee shall ensure that agendas are posted in the same manner as for the Council.

B. Locations.

~~B.~~ The Fountain Hills Town Code, Section 2-4-3, states meeting notices shall be posted at a minimum of three locations within the Town, including the Community Center, Town Hall, and the Town's website.

~~4.2~~ 4.2 AGENDA PREPARATION

A. Availability.

~~A.~~ The Town Manager, or designee, shall prepare the agendas for all meetings of the Council as set ~~Forth~~forth. Agendas of all meetings of the Council shall generally be available to the public on the Thursday prior to said meetings, except in exceptional circumstances. In

no event shall the agenda be made available less than 24 hours prior to said meeting unless authorized by State Law. Agendas and agenda packet materials are made available through the Town's website. The staff liaison to each Board, Commission or Committee shall ensure that the agenda is available in the same manner as required for the Council.

B. Submittal Process.

~~B.~~ Items may be placed on the Council agenda for discussion and possible action by the following process (the agenda process for Boards, Commissions or Committees shall be as determined by the applicable Department Head, which shall be substantially the same as the Council agenda submittal process):

~~1.~~ 1. All Departments: Preparation of the Staff Report with signatures of the department director and staff (including all attachments) are provided to the Town Clerk for submittal to the Town Manager not later than the Monday prior to date of the meeting. The Town Manager approves/amends items and signs off, finalizing the item for inclusion in the agenda packet.

~~2.~~ 2. Mayor and Councilmembers: The Mayor or a Councilmember with the support of two additional Councilmembers, may direct the Town Manager, through the Future Agenda item category, to place an item on the next available agenda within the next three meetings for consideration and possible action.

~~3.~~ 3. Town Manager and Town Attorney: The Town Manager or Town Attorney may place an item on the agenda by submitting appropriate documentation to the Town Clerk.

~~4.~~ 4. Person or Group: A person or group may request an item be placed on an agenda through the ~~Town Manager,~~ Mayor, or a Councilmember.

~~C.~~ C. Timelines for Submission of Items.

~~1.~~ 1. Agenda items shall be submitted to the Town Manager by 2:00 p.m., not less than eight calendar days prior to regular, work sessions and special meetings to ensure timely delivery to Councilmembers.

~~2.~~ 2. The Town Manager may approve exceptions to the schedule in order to ensure that the distribution of all agenda packets to the Council is in conformance with these Council Rules.

~~3.~~ 3. Any requests requiring audio/visual support must be submitted to the Town Clerk for coordination with the information and technology division a minimum of 24 hours prior to the meeting. Department directors are responsible for obtaining presentation materials from applicants or presenters involved in their respective agenda items.

D. Agenda Item Submittals for Council Executive Sessions.

~~D.~~ Items may be placed on the agenda for the Council executive session discussion (if in compliance with the Town Code and applicable State Statutes) by the following process:

~~1.~~ 1. Submission by a Councilmember, the Town Manager, or the Town Attorney (with notice to all Councilmembers).

~~2.~~ 2. Submission by the Mayor (with notice to all Councilmembers).

~~3.~~ 3. The Town Manager and the Town Attorney shall review the submittal for executive session discussions prior to placement on the agenda, to ensure that the item is the proper subject of an executive session pursuant to State Law.

~~4.~~ 4. The Town Attorney shall advise the Town Clerk regarding the appropriate agenda language of executive session items.

E. Agenda Packets.

~~E.~~ Agenda Packets for all noticed meetings (except executive session documentation) of the Council shall be made available to Council members electronically, at least five days before regular meetings and work sessions; provided, however, that agenda packets may be supplemented later under special circumstances so long as no agenda packet material is made available less than 24 hours prior to the meeting, except in the case of exceptional circumstances or an emergency meeting.

F. Removal Requests.

~~F.~~ Requests to remove items from the Consent Agenda occurring after the 24-hour posting deadline will be announced by the Mayor at the beginning of the meeting. The posted agenda will remain unchanged.

~~4.3~~ 4.3 DISTRIBUTION OF NOTICES AND AGENDAS

A. Copies.

~~A.~~ The Town Clerk shall ensure that the Mayor and Council receive copies of all meeting notices and agendas and any documentation provided for said meeting electronically, on the Thursday prior to the meeting, unless exceptional circumstances require a later delivery.

B. Distribution.

~~B.~~ The Town Clerk shall ensure that the meeting notices, agendas and packet documentation, as deemed necessary, are posted to the Town's website and made

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available to the Mayor and Council, the public, Town Manager, Town Attorney, and staff electronically by 6:00 p.m. on the Thursday prior to the date of the meeting.

C. Amendments.

€ A posted agenda may be amended up to 24 hours prior to the meeting. In exceptional circumstances, an agenda may be amended up to, but not less than, 24 hours prior to the meeting, unless otherwise authorized by State Law. Amended agendas shall indicate the date amended.

4.4 4.4 DISTRIBUTION OF MATERIALS/HANDOUTS FOR PROPOSED LANGUAGE TO AGENDA ITEMS

Mayor and Councilmembers: The Mayor and Councilmembers may submit a document/handout for consideration regarding an item on the next Council agenda. The document/handout must be presented to the Town Clerk, or designee, no later than 12:00 PM Noon the day before the council meeting. Handouts submitted after the deadline will not be disseminated to the Council for consideration.

The Town Clerk will provide copies of the Mayor's-/Councilmember's handout(s) along with any online public comment cards on the dais prior to the Council meeting and will announce the documents when that agenda item is under consideration.

This process will ensure the Town Clerk has the document/handout for the permanent record, solve any transparency issues, minimize any potential open meeting violations, and avoid any disruption during the Council meeting.

SECTION

§5. ORDER OF BUSINESS

~~5.1~~ 5.1 ORDER OF BUSINESS

The Order of Business of each meeting shall be as contained in the agenda. The agenda shall be a sequentially numbered listing by topic and a brief description of business items that shall be taken up for consideration.

~~5.2~~ 5.2 REGULAR MEETINGS

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A. Agenda

The agenda shall be prepared substantially in the following order, but may be amended for brevity:

AGENDA

1. Call to Order & Pledge of Allegiance ~~Invocation~~ **Moment of Reflection** ~~Roll Call~~
2. Invocation
3. Roll Call
4. Statement of Participation
5. Summary of Current Events by Town Manager ~~and~~
6. Proclamations ~~by Mayor and Councilmembers~~ (No discussion), Awards, and Recognitions
7. Presentations (if any)
8. Consent Agenda ~~(preceded by the following explanatory paragraph)~~

~~All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda. The remaining items on the Consent Agenda will be enacted by one motion and vote of the Council.~~

9. Action Items ~~(Regular Agenda (action items~~ grouped by subject to the extent possible)
10. Call to the Public
11. Council Discussion/Direction to the Town Manager
12. Future Agenda Items
13. Adjournment

All agendas shall have the following statement placed at the bottom:

The Town of Fountain Hills endeavors to make all public meetings accessible to persons with disabilities. Please call 480-816-5100 (voice) or 1-800-367-8939 (TDD) the Thursday prior to the meeting to request reasonable accommodation to participate in this meeting or to obtain agenda ~~information~~ information in large print format. Supporting documentation and staff reports furnished to the Council are available for review in the Town Clerk's office on the day of the Council meeting, the Council Chamber doors open at 5:15 PM for public seating.

B. Roll Call for Attendance.

~~A. Following the Call to Order and the Pledge of Allegiance, the Moment of Reflection or~~ Invocation and before proceeding with the business of the Council, the Presiding Officer shall direct the Town Clerk or designee to call the Roll, and the names of Councilmembers both present and absent shall be entered into the minutes. The order of roll call for attendance shall be: Mayor, Vice Mayor and then Councilmembers from the Mayor's far right to the Mayor's far left.

C. Statement of Participation. ~~Following the~~

~~B. Roll Call,~~ The Statement of Participation may be included on the Agenda and following roll call, shall be read or disseminated another way displayed at each Regular Council meeting, and will consist of the following shall state as follows:

Anyone wishing to address the Council regarding items listed on the agenda should or during Call to the Public must completely fill out a Request to Comment card located in the back of the Council Chambers and hand it to the Town Clerk prior to consideration the start of that agenda item the meeting. Once the agenda item meeting has started, late requests to speak cannot be accepted. When your name is called, please approach the podium, speak into the microphone, and state your name and if you are a resident for the public record. Please limit your comments to three minutes. Comments may not exceed three minutes. It is the policy of the Mayor and

Council not to comment on items brought forth under "Call to the Public." However, staff can be directed to report back to the Council at a future date or to schedule items raised for a future Council agenda. To avoid disruption of the meeting, to maintain decorum, and provide for an equal and uninterrupted presentation, applause is not permitted, except ~~when community members are being honored by the Council during Proclamations, Awards, and Recognitions.~~ All meeting participants must maintain proper decorum as specified in Section 6 of the Council Rules of Procedure.

~~€.~~ D. Summary of Current Events by Town Manager and Proclamations
~~The Mayor/Presiding Officer may read Proclamations or conduct other ceremonial matters as listed on the posted agenda and a 3A three-~~minute summary of current events may be given by Town Manager on Town-sponsored events and/or activities. (The Arizona Open Meeting Law does not allow discussion or action on any matter mentioned during the Summary of Current Events.)

E. Proclamations, Awards, and Recognitions.

The Mayor/Presiding Officer or his/her designee may read Proclamations, present Awards, recognize members of the community, or conduct other ceremonial matters as listed on the posted agenda.

F. Presentations.

~~D.~~ The Town Manager may use the Presentations section to provide the Council with an update from Department Directors, contracted service providers, neighboring jurisdictions, and regional organizations.

~~E.~~ G. Consent Agenda

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~~1.~~ 1. The Consent Agenda includes items that are of such nature that discussion is not required, or issues that have been previously studied by the Council. These items may be adopted by one motion and vote.

~~2.~~ 2. There is no detailed discussion on items listed under the Consent Agenda, unless a member of the Council or any member of the public in attendance at the meeting requests that an item or items be removed for discussion. Councilmembers or the public may not ask a question without removal of the item from the Consent Agenda.

~~3.~~ 3. Items removed from the Consent Agenda are considered as the first item on the Regular Agenda, unless called out of sequence as provided under Section 1.4. (Suspension of the Rules)

~~F.~~ ~~Action Items.~~

4. An explanatory statement shall be included on the Agenda immediately preceding the Consent Agenda heading:

All items listed are considered to be routine, non-controversial matters and will be enacted by one motion and vote of the Council. All motions and subsequent approvals of consent items will include all recommended staff stipulations unless otherwise stated. There will be no separate discussion of these items unless a Councilmember or member of the public so requests. If a Councilmember or member of the public wishes to discuss an item on the Consent Agenda, he/she may request so prior to the motion to accept the Consent Agenda or with notification to the Town Manager or Mayor prior to the date of the meeting for which the item was scheduled. The item will be removed from the Consent Agenda and considered as the first item on the Regular Agenda. The remaining items on the Consent Agenda will be enacted by one motion and vote of the Council.

H. Regular Agenda.

~~1. 1. At the time each business item is presented to the Council, the Town staff shall present a report on the subject and the applicant, if any, may also speak. The Mayor or the Town Clerk, or designee, will then call the Request to Comment forms of those persons desiring to provide input and comments. All persons wishing to speak before the Council shall fully complete Request to Comment forms and submit the forms to the Town Clerk, or designee, prior to the Council starting the agenda item. Late requests to speak cannot be accepted.~~

~~Sufficient request forms shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. Completed forms will be retained by the Town Clerk until the draft minutes are approved by the Council at a subsequent meeting. Speakers' names and comments will be included in the meeting minutes. Speakers will be called in the order in which the forms were received. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his/her opportunity to speak on that matter. Request to Comment forms submitted by those who indicate they will not speak will be grouped together by the categories of "for" and "against" relating to the item indicated on the forms. The Town Clerk, or designee, will announce the number of cards received, if any, and the number received per category.~~

~~2. The Mayor or the Town Clerk, or designee, will then call the Request to Comment cards of those persons desiring to provide input and comments. At the appointed time, speakers will be called in the order the cards were received alternating between those "for" and "against" the agenda item.~~

~~2. 3. Those speaking before Council will be allowed a maximum of three contiguous minutes to address Council, but time limits may be waived, extended or reduced, (a) upon advice of the Town Attorney, by (a)(b) at the discretion of the Town Manager upon request by the speaker not less than 24 hours prior to a~~

meeting, (~~bc~~) consensus of the Council at a meeting or (~~ed~~) the Presiding Officer either prior to or during a meeting. Speakers may not (a) reserve a portion of their time for a later time, or (b) transfer any portion of their time to another speaker.

4. Questions or comments from the public shall be limited to the subject under consideration. The total time allocated for questions and comments from the public per agenda item shall not exceed 30 minutes, unless that time is extended as provided under Section 1.4 (Suspension of the Rules). If there are more than ten (10) comment cards requesting to speak, the Presiding Officer may, at the beginning of the agenda item, limit the number of speakers or limit the amount of time per speaker.

5. The Town Clerk shall use light and/or sound signals to indicate the commencement of the time for speaking for each speaker and a warning light will flash to show that the appropriate time has passed. A red light, or sound will signal that there is no longer any remaining time. Furthermore, the Mayor, Town Clerk, or other Town staff may mute the microphone when the speaker's time expires.

6. The Town Clerk shall also notify the Presiding Officer when the total time allocated for all speakers expires.

~~3.~~ 7. Speakers may also use the online Request to Comment ~~Form~~form to provide input regarding an item on the agenda. The online Request to Comment form is found on the Town's website. The speaker must completely fill out the online form, listing a specific agenda item and submit the form no later than 12:00 p.m. on the day before the Council meeting that this item is on the agenda. The Town Clerk will provide electronic copies of these online Request to Comment forms to Councilmembers. Comments provided through the online form process will not be read out loud at the meeting but will be grouped and tallied together by the agenda item number and by categories "for and against". The Town Clerk, or designee, will announce the number of cards received, if any, and number received per category.

~~4. The purpose of all public comments is to provide information and the speakers' views for Council consideration. It is not appropriate for the speakers to question directly;~~

~~or debate the matter under consideration with staff, other speakers, the audience or Councilmembers; all remarks will be addressed to the Presiding Officer and not to individual Councilmembers. 8. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Councilmembers may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Councilmember shall engage in debate directly with such speakers, representatives or Town staff.~~

~~5. ————— Proper decorum, in accordance with Section 6.4, must be observed by Councilmembers, by speakers in providing testimony and remarks and by the audience. In order to conduct an orderly business meeting, the Presiding Officer shall keep control of the meeting and shall require the speakers and audience to refrain from abusive or profane remarks, disruptive outbursts, applause, protests or other conduct that disrupts or interferes with the orderly conduct of the business of the meeting. Personal attacks on Councilmembers, Town staff or members of the public are not allowed.~~

6. Generally, agenda items requiring public hearings, other than those of a quasi-judicial nature, shall be conducted in the following order:

~~a.~~ a. The Presiding Officer will announce the matter that is set forth for a public hearing, will then open the public hearing, and, if appropriate, ask the staff to provide a report of the matter.

~~b.~~ b. The Presiding Officer will then ask the applicant, if any to speak regarding the matter.
~~matt~~
~~er.~~

~~c.~~ c. The ~~or~~ Presiding Officer will request the Town Clerk, or designee, to call on those who have submitted Request to Comment cards.

~~d.~~ d. After all public comments are heard, the Presiding Officer will close the public hearing and may ask staff or the applicant to respond to the comments.

e. Councilmembers may ask the applicant questions though the Presiding Officer.

~~e.~~ f. The Presiding Officer may then call for a motion and second, if applicable, and ask if Council wishes to discuss the issue. Council may then proceed to discuss the matter.

~~f.~~ g. Upon the conclusion of Council discussion, the Presiding Officer will call for action on the item.

~~g.~~ h. Exhibits, letters, petitions, and other documentary items presented or shown to the Council during a public hearing agenda item become part of the record of the public hearing and shall be maintained by the Town Clerk.

~~h.~~ i. Should exhibits or materials be presented at the meeting, ten collated sets of written or graphic materials should be provided by the speaker to the Town Clerk prior

to the commencement of the hearing to allow for distribution to the Council, key Town staff and the Town Clerk for inclusion in the public record. Reduced copies (8" x 11") of large graphic exhibits should be provided as part of the sets of materials for distribution. The appropriate staff member shall be responsible to notify applicants of this requirement.

~~7. Questions or comments from the public shall be limited to the subject under consideration. Depending upon the extent of the agenda and the number of persons desiring to~~

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~~speaking on an issue, the Presiding Officer may, at the beginning of the agenda item, limit repetitive testimony, and limit the amount of time per speaker. Upon approval of (a) the Presiding Officer or (b) a majority of the Council, persons may be allowed to speak longer than three minutes. Councilmembers may ask the speaker questions through the Presiding Officer.~~

8. 9. Quasi-judicial hearings shall be conducted in accordance with the principles of due process, and the Town Attorney shall advise the Council in this regard.

I. Call to the Public.

1. At the time allotted for Call to the Public, the Town Clerk, or designee, will call the Request to Comment cards of those persons desiring to provide input and comments on issues not on the agenda.

2. The total time allocated for Call to the Public shall not exceed 30 minutes, unless that time is extended as provided under Section 1.4 (Suspension of the Rules). The Town Clerk, or designee, shall note at the time Call to the Public commences the exact time the Call to the Public shall conclude.

3. Those speaking before Council on a non-agenda item will be allowed a maximum of three minutes to address Council. Speakers may not (a) reserve a portion of their time for a later time or (b) transfer any portion of their time to another speaker.

4. At the conclusion of each speaker's comments, the Presiding Officer may take any or all of the following actions:

- a. Thank the speaker for addressing the issue.
- b. Ask staff to review the matter.

5. The Town Clerk shall use light and/or sound signals to indicate the commencement of the time for speaking for each speaker and a warning light will flash to show that the appropriate time has passed. A red light, or sound will signal that there is no longer any remaining time. Furthermore, the Mayor, Town Clerk, or other Town staff may mute the microphone when the speaker's time expires.

6. The Town Clerk shall notify the Presiding Officer when the total time allocated for Call to the Public has expired. Anyone speaking must immediately conclude their remarks, and no further speakers will be allowed. Speakers who were unable to speak due to time limitations may email comments to mayorcouncil@fountainhillsaz.gov.

J. Council Discussion/Direction to the Town Manager. ~~The~~

~~G. Members of the~~ Council may (1) request the Town Manager ~~to~~ follow-up on matters ~~presented~~ raised at that meeting; ~~and/or (2) request one two-minute response to directed criticism raised any portion of the meeting;~~ (3) a consensus of the Council may request the Town Manager to research a matter and report back to the Council.

K. Future Agenda Items.

The Mayor or a Councilmember with the support of two additional Councilmembers, may direct the Town Manager to place an item on the next available agenda within the next three meetings for consideration and possible action.

L. Adjournment.

~~H.~~ The open, public meeting of the Council may be adjourned by consensus of the Council.

M. Request to Comment Cards

All persons wishing to speak before the Council on an agenda item or during the Call to the Public shall fully complete a Request to Comment card and submit the card to the Town Clerk, or designee, prior to the start of the meeting. See Appendix A: Sample Request to Comment Card. Incomplete cards and late requests to speak cannot be accepted.

Sufficient request cards shall be located in the Council Chamber's Lobby (the public entry area into the Chamber) and at the Town Clerk's position on the dais. Completed cards will be retained by the Town Clerk until the draft minutes are approved by the Council at a subsequent meeting. Speakers' names and comments will be included in the meeting minutes. Speakers will be called in the order in which the cards were received alternating between those "for" and "against" the agenda item. If a speaker chooses not to speak when called, such speaker will be deemed to have waived his/her opportunity to speak on that matter.

Request to Comment cards submitted by those who indicate they will not speak will be grouped together by the categories of "for" and "against" if the comment relates to an item on the agenda.

N. Maintaining Proper Decorum.

Proper decorum, in accordance with Section 6, must be observed by Councilmembers, by speakers in providing testimony and remarks, and by the audience. The Presiding Officer shall keep control of the meeting in accordance with Subsection 6.4(C).

O. Regular Meeting Live Stream.

Except in the event of unavoidable technical difficulties, all regular meetings shall be live streamed through the internet and available through the Town website. A monitor streaming the live proceedings shall be displayed outside of the Council Chambers, absent unavoidable technical difficulties.

~~5.3~~ **5.3 SPECIAL MEETINGS**

A. As Substitute for Regular Meeting.

~~A.~~ If a special meeting is being held as an extension of or in place of a regular meeting, the agenda shall be as set forth for a regular meeting.

B. Generally.

For all other special meetings, public comment is not provided for on the agenda and may be made only as approved by consensus of the Council, unless an item on the agenda requires a public hearing. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item, if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

~~B.~~ The Special Meeting Agenda shall be prepared in include only the following agenda items as described in Section 5.2 and listed in this order:

SPECIAL MEETING AGENDA

1. Call to Order & Pledge of Allegiance

2. Roll Call

3. Consent Agenda ~~(if needed-explanatory paragraph same as regular meeting)~~

4. ~~Action Items~~ (Regular Agenda (action items grouped by subject to the extent possible)

5. Adjournment

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5.4 5.4 WORK SESSION MEETINGS

The primary purpose of work sessions is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an agenda item, if invited by the Mayor and Council to do so. The Presiding Officer may limit or end the time for such presentations.

The work session agenda shall ~~be prepared in include only~~ the following agenda items as described in Section 5.2 and listed in this order:

WORK SESSION AGENDA

1. Call to Order
2. Roll Call
3. Agenda Items for Discussion (Items Numbered for Order)
4. Adjournment

The Work Session **Statement** ~~(Agenda shall include the following~~ explanatory statement):

All Items Listed Are for Discussion Only. No Action Can or Will Be Taken. The primary purpose of work sessions is to provide the Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party if invited by the Mayor or the Town Manager to do so. The Presiding Officer may limit or end the time for such presentations.

- ~~1. Agenda Items for Discussion (Items Numbered for Order)~~
- ~~1. Adjournment~~

SECTION

§6. PROCEDURES FOR CONDUCTING THE MEETING

~~6.1~~ 6.1 CALL TO ORDER

A meeting of the Council shall be called to order by the Presiding Officer, (the Mayor or in his/her absence, by the Vice-Mayor). In the absence of both the Mayor and Vice-Mayor, the meeting shall be called to order by the Town Clerk, who shall immediately call for the selection of a temporary Presiding Officer.

~~6.2~~ 6.2 PARTICIPATION OF PRESIDING OFFICER

The Presiding Officer may debate from the chair, subject only to such limitations of debate as are imposed on all Councilmembers, and he/she shall not be deprived of any of the rights and

privileges of a Councilmember by reason of his/her acting as Presiding Officer. However, the Presiding Officer is primarily responsible for the conduct of the meeting.

~~6.3~~ 6.3 QUESTION TO BE STATED

The Presiding Officer shall verbally restate or shall ask the Councilmember to verbally restate, each question (motion) immediately prior to calling for discussion and the vote. Following the vote, the Presiding Officer shall ask the Town Clerk or designee to verbally announce the results of voting, including the ayes, nays and abstentions. The Presiding Officer shall publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business. Formal votes shall not be taken at work sessions or executive sessions.

~~6.4~~ 6.4 RULES/DECORUM/ORDER

~~A. Points of Order. The Presiding Officer shall determine all points of order after consultation with the Parliamentarian, subject to the right of any member to appeal such determination to the whole Council. If any appeal is taken, the question (motion) shall be substantially similar to the following: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such question of order.~~

~~B. Order and Decorum~~

A. Application.

~~1.~~ 1. Councilmembers: Any Councilmember desiring to speak shall address the Presiding Officer and, upon recognition by the Presiding Officer, may speak.

~~2.~~ 2. Employees: Members of the administrative staff and employees of the Town shall observe the same rules of procedure and decorum applied to Councilmembers. The Town Manager shall ensure that all Town employees observe such decorum and will direct the participation of any staff member in the discussion of the Council. The Town Manager shall first be recognized by the Presiding Officer prior to addressing the Council. Any staff member desiring to speak shall first be recognized by the Town Manager.

3. 3. Public: Members of the public attending the meetings shall observe the same rules of order and decorum applicable to the Council. ~~Unauthorized remarks or demonstrations from the audience, such as applause, stamping of feet, whistles, boos or yells shall not be permitted by the Presiding Officer, who may direct a law enforcement officer to remove such offender/s from the room, and may only speak when recognized by the Presiding Officer.~~

B. Rules of Decorum

1. 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.

2. All Councilmembers shall use the queueing equipment to indicate their desire to speak.

3. 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 a repetitive discussion or motion.

4. A Councilmember, once recognized, shall limit remarks to no more than two minutes and shall not be interrupted while speaking, unless called to order by the Presiding Officer or a Point of Order or Point of Privilege is raised by another Councilmember.

5. Councilmembers shall not be 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.

6. If a Councilmember is called to order while speaking, he or she shall cease speaking immediately until the question of order is determined. If ruled to be out of order, he or she shall remain silent or shall alter remarks so as to comply with the Rules of the Council.

7. Remarks and questions by Councilmembers shall be confined to the issue under debate. The Council shall not discuss or debate issues that are not on the formal agenda.

8. Councilmembers shall refrain from making statements adverse to the interests of the Town. If a legal question must be resolved before action can be taken, a Councilmember may raise a Point of Privilege to move to go into Executive Session.

9. All comments shall be addressed through the Presiding Officer who shall decide if any response is warranted and who, if anyone, shall address the concern. Councilmembers may request, upon recognition by the Presiding Officer, clarification of comments or materials presented by the speakers, any applicant's representatives or Town staff; provided, however, that no Councilmember shall engage in debate directly with such speakers, representatives or Town staff.

10. Speakers shall not question directly, or debate the matter under consideration with staff, other speakers, the audience or Councilmembers; all remarks will be addressed to the Presiding Officer.

11. The Presiding Officer shall not permit any conduct or statements that disrupt or interfere with the orderly conduct of the business of the meeting, such as:

- a. Personal attacks.
- b. Indecorous language or behavior.
- c. Defamatory statements.
- d. Imputing motives.
- e. Unauthorized demonstrations or disruptive outbursts, such as applause, stamping of feet, whistles, boos, yells, or any sound or action that disrupts the meeting.
- f. Threatening or intimidating comments or conduct, whether overt or inferred.
- g. Yelling, shouting, or screaming.
- h. Abusive or profane remarks.
- i. Incitement of violent or illegal acts.
- j. Fighting words, i.e. speech that is likely to provoke an immediate violent reaction.

12. 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. The Presiding Officer also may not engage in viewpoint discrimination.

13. Face coverings that conceal the identity of the wearer are not permitted at meetings, except for (a) properly fitted medical-grade masks or respirators for a bona fide medical

condition worn at all times by the wearer, except when recognized to speak before the Council, or (b) religious face coverings that are a part of the wearer's core tenant of faith and part of the wearer's consistent public appearance.

C. Enforcement of Decorum.

Proper decorum is to be maintained during all meetings by the Council, staff and guests. ~~It is the responsibility of the~~ The Presiding Officer of the shall preserve decorum and decide all questions of order, subject to the appeal to the Council.

If proper decorum is not maintained, the Presiding Officer shall have the authority to:

- a. Recess the meeting to for a brief time to abate the disruption.
- b. Direct a law enforcement officer present at the meeting to remove from the meeting the person(s) whose conduct is disorderly or disruptive.
- c. Clear the Council Chambers and restrict access to the Council, employees, applicants, and presenters. Members of the public who have completed Request to Comment cards may be granted access at the time allocated for them to speak.

~~€. The Presiding Officer shall also ensure compliance with this Policy. The Presiding Officer shall speakers maintain decorum and, when necessary, shall~~ request that a speaker refrain from improper conduct; ~~if.~~ If the speaker refuses, the Presiding Officer may end the speaker's time at the podium. If the speaker refuses to yield the podium after being asked to do so by the Presiding Officer, the Presiding Officer may (1) recess the meeting for a brief time , and/ or (2) direct a law enforcement officer present at the meeting to remove from the meeting the person whose conduct is disorderly or disruptive.

~~6.5~~ 6.5 TELECONFERENCE PROCEDURE

Meetings may be conducted by teleconference as follows:

A. Prior Notice.

~~A.~~ When a Councilmember is unable to attend a meeting and desires to participate in the meeting by telephone, the Councilmember shall be permitted to do so provided he/she gives the Town Clerk, or designee, notice of his/her inability to be present at the meeting at least 24 hours prior to the meeting.

B. Notation on Agenda.

~~B.~~ The notice of the meeting and the agenda shall include the following: "Councilmembers of the Town of Fountain Hills will attend either in person or by telephone conference call."

C. Public Access.

~~C.~~ Facilities will be used at the meeting to permit the public to observe and hear all telephone communications.

D. Notation in Minutes.

The minutes of the meeting shall clearly set forth which members are present in person and which are present by telephone.

~~6.6~~ 6.6 ADDRESSING THE COUNCIL

~~A.~~ A. Manner of Addressing the Council.

~~1.~~ 1. Any member of the public desiring to address the Council shall proceed to the podium after having been recognized by the Presiding Officer. There shall be no loud vocalization (shouting or calling out) from the seating area of the Council Chamber. At the podium, the speaker shall clearly state his/her name for the record and shall indicate if he/she is a Town resident.

~~2.~~ 2. Special assistance for sight and/or hearing-impaired persons can be provided. Anyone requiring such assistance should contact the Town Clerk the Thursday prior to a meeting to request an accommodation to participate in the meeting.

~~B.~~ B. Limitation Regarding Public Comment and Reports.

~~B.~~ The making of oral communications to the Council by any member of the public during the “Call to the Public” or under an action item, shall be subject to the following limitations:

~~1.~~ 1. All speakers wishing to address the Council shall complete and submit a Request to Comment form as set forth in Subsection 5.2: ~~(M).~~

~~2.~~ 2. The Presiding Officer may shall limit the number of speakers heard “Call to the Public” and public comment on non-each agenda topics at any single meeting item

to no more than thirty (30) minutes to allow the meeting to proceed and end in a timely manner.

~~3.~~ 3. If it appears that several speakers desire to provide repetitive comments regarding a single topic, the Presiding Officer may limit the number of speakers.

4. The Presiding Officer may further limit the number of speakers or duration of the comment period as reasonably necessary to allow the meeting to end in a timely manner.

~~C.~~ C. Motions.

~~1.~~ 1. *Processing of Motions:* When a motion is made and seconded, it shall be stated by the Presiding Officer before debate.

2. 2. *Precedence of Motions:* When a motion is before the Council, no motion shall be entertained except the following, which shall have precedence in the following order:

- a. a. Fix the time to adjourn
- b. b. Adjourn
- c. c. Recess
- d. ~~Raise a question~~ d. Point of Order or Privilege
- e. e. Table
- f. f. Limit or ~~extend limits of debate~~ terminate discussion
- g. g. Postpone ~~to a certain time and date~~ or continue
- h. h. Amend
- i. i. Postpone Indefinitely
- j. j. Main Motion

3. 3. *Motions Defined:*

Point of Order: A point of order may raised by a Member when there is a disturbance, lack of decorum, or to raise a question of whether there has been a breach of the Rules of Procedure. A point of order can interrupt any speaker, does not require a second, is not debatable, is not amendable, and cannot be reconsidered. Once raised, the Presiding Officer shall determine the Point of Order and may consult with the Parliamentarian in so doing. Once determined, the Presiding Office's decision may be challenged by an appeal from any Member. If any appeal is taken, the question (motion) shall be substantially similar to the following: "Shall the decision of the Presiding Officer be sustained?" In which event, following a second, a majority vote shall govern, and conclusively determine such

~~**Motion to Postpone Indefinitely:** A motion to postpone indefinitely is used to dismiss an item on the agenda. This motion is debatable, and because it can be applied only to the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.~~

Point of Order. If the Presiding Officer fails to act on a Point of Order, any Member may move to require the Presiding Officer to enforce decorum. An affirmative vote of the majority shall require the Presiding Officer to act.

Point of Privilege: A point of privilege allows a member to interrupt proceedings to address urgent matters affecting their ability to participate, their reputation, or the assembly's comfort, safety, or rights. A Point of Personal Privilege addresses an individual member's concerns, such as a misquoted statement, inability to hear, or an unfair attack on their character, allowing them to clarify or correct the record. Point of General Privilege address concerns the comfort, safety, or rights of the entire assembly, like a broken microphone, extreme heat, or a need to call for a closed executive session.

3. Motion to Table: A motion to table enables the assembly to lay the pending question aside temporarily when something else of immediate urgency has arisen, in such a way that there is no set time for taking the matter up again. A motion to table shall be used to temporarily by-pass the subject. A motion to table shall not be debatable and shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the matter may be "taken from the table" at any time prior to the end of the next regular meeting.

4. Motion to Limit or Terminate Discussion: Such a motion shall be used to limit or close debate on, or further amendment to, the main motion. This is referred to as "Call for the Question" and is the motion used to cut off debate and to bring the group to an immediate vote on the pending motion; it requires a two-thirds vote. The vote shall be taken by voice. If the

motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the main motion.

~~5. Motion to Amend:~~

~~a. A motion to amend shall be debatable only as to the amendment. A motion to amend an amendment on the floor shall not be in order.~~

~~b. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.~~

~~c. Amendments shall be voted on first, prior to consideration of subsequent amendments. After all amendments have been voted on, the Council shall vote on the main motion (as amended, if applicable).~~

Motion to Continue: Motions to continue shall be debatable only as to the propriety of postponement. Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set only.

Motion to Amend: A motion to amend shall be debatable only as to the amendment.

a. A motion to amend an amendment on the floor shall not be in order.

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

c. Amendments shall be voted on first, prior to consideration of subsequent amendments. After all amendments have been voted on, the Council shall vote on the main motion (as amended, if applicable).

Motion to Postpone Indefinitely: A motion to postpone indefinitely is used to dismiss an item on the agenda. This motion is debatable, and because it can be applied only to

the main question, it can, therefore, only be made while the main question is immediately pending (a motion and second is on the floor). This motion is commonly used to postpone an item until a more appropriate time.

D. Addressing the Council after Motion is made.

~~D.~~ After the motion has been made, or after a public hearing has been closed, no member of the public shall address the Council without first securing permission from the Presiding Officer.

E. Voting Procedure.

~~E.~~ After discussion has been concluded and the Mayor, the Councilmember who made the motion or the Town Clerk has restated the motion under consideration, the following procedure shall apply:

1. Casting a Vote:

- a. In acting upon every motion, the vote shall be taken by casting a mechanical yes/no vote, voice, roll call or any other method as determined by the Presiding Officer, by which the vote of each member of the Public Body can be clearly ascertained and recorded in the meeting minutes. Upon the request of the Mayor or a Councilmember, the vote shall be taken by roll call.

~~meeting minutes. Upon the request of the Mayor or a Councilmember, the vote shall be taken by roll call.~~

- b. The vote on each motion shall be entered into the record by the names of the Councilmembers voting for or against. The Record also shall include the names of any member not casting a vote by reason of being absent from the room at the time of the vote.
- c. If a Councilmember has declared a Conflict of ~~Interest~~Interest, the Town Clerk shall include a statement such as "Abstained due to declared Conflict of ~~Interest~~Interest" in the official minutes as part of the results of the vote. The Councilmember shall fill out a "Conflict of Interest" form and submit it to the Town Clerk for the record prior to the end of the meeting at which the conflict was declared.
- d. If the roll call method of voting is used, the Town Clerk or designee shall call the names of members in random order with each new vote concluding the vote with the Vice Mayor and Mayor respectively. Members shall respond "Aye" or "Nay."

2. Failure to Vote:

- a. All Councilmembers in attendance at a duly called meeting that requires formal Council action are required to vote. A member may abstain from voting only if he/she has a Conflict of ~~Interest~~Interest under State Law, in which case such member shall take no part in the deliberations on the matter in question. Councilmembers should contact the Town Attorney to verify if they have a conflict of interest, prior to meeting the Councilmember perceives they have a Conflict of ~~Interest~~Interest.

- b. Should a Councilmember fail to vote "Aye" or "Nay" or offer a voluntary abstention, his/her vote shall be counted with the majority of votes cast, unless the Councilmember's vote is excused by the State Law; however, in the event of a tie vote, his/her vote shall be counted as "Aye."

~~3.~~ Reconsideration: Any Councilmember who voted with the majority may move a reconsideration of any action at the same or next regular meeting. To ensure that the open

3. meeting law requirements are met, a written request from such Councilmember must be submitted to the Town Clerk's Office at least eight days prior to the next regular meeting. After a motion for reconsideration has once been acted upon, no other motion for reconsideration thereof shall be made without the unanimous consent of the Council.

4. The affirmative vote of a majority of a quorum shall be required for passage of any matter before the Council.

SECTION

§7. CONFLICT OF INTEREST

~~5.1~~ 7.1 INTRODUCTION

Occasionally, a Councilmember may find himself/herself in a situation that requires a Councilmember to remove himself/herself from participation in discussion and voting on a matter before the Council. This situation exists when the Councilmember has a "conflict of interest" as defined by the Arizona Conflict of Interest Law. This law establishes minimum standards for the conduct of public officers and employees who, in their official capacity, are, or may become involved with, a decision which might unduly affect their personal interests or those of their close relatives.

~~5.2~~ 7.2 PURPOSE OF CONFLICT OF INTEREST LAWS

The purpose of Arizona's Conflict of Interest Law is to prevent self-dealing by public officials and to remove or limit any improper influence, direct or indirect, which might bear on an official's decision, as well as to discourage deliberate dishonesty.

~~5.3~~ 7.3 APPLICABILITY OF THE ARIZONA CONFLICT OF INTEREST LAW

The Arizona Conflict of Interest Law as now set forth or as amended in the future, applies to all actions taken by Councilmembers, Board members, Commissioners, and Committee members.

~~5.4~~ 7.4 DISCLOSURE OF INTEREST

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Any Councilmember, Board member, Commissioner, or Committee member who may have a conflict of interest should seek the opinion of the Town Attorney as to whether a conflict exists under the State Law. Any member who has a conflict of interest in any decision must disclose that interest at the meeting and in writing on a form provided by the Town Clerk, or designee. The disclosure of the conflict shall include a statement that the member withdraws from further participation regarding the matter. The Town Clerk or designee shall maintain for public inspection all documents necessary to memorialize all disclosures of a conflict of interest by a member.

~~5.5~~ ~~WITHDRAWAL~~ 7.5 WITHDRAWAL FROM PARTICIPATION

Having disclosed the conflict of interest and withdrawn in the matter, the Councilmember, Board member, Commissioner, or Committee member must not communicate about the matter with anyone involved in the decision-making process in any manner. Further, the member should not otherwise attempt to influence the decision and should remove himself/herself from the Council Chambers, or other location where a meeting is being held, while the matter is considered.

Failure to disclose any conflict of interest is addressed in Section 7.8.

~~5.6~~ 7.6 RULE OF IMPOSSIBILITY

In the unlikely situation that the majority of Councilmembers, Board members, Commissioners, or Committee members have a conflict of interest, and the Council, Board, Commission or Committee is unable to act in its official capacity, members may participate in

the discussion and decision after making known their conflicts of interest in the official records.

~~5.7~~ 7.7 IMPROPER USE OF OFFICE FOR PERSONAL GAIN

Public officers and employees are prohibited from using or attempting to use their official positions to secure valuable things or benefits for themselves, unless such benefits are (A) part of the compensation they would normally be entitled to for performing their duties or (B) otherwise permitted according to State Law.

~~5.8~~ 7.8 SANCTIONS FOR VIOLATIONS

Violations of the conflict of interest provisions set forth herein shall be punished as provided for in State Law.

~~5.9~~ 7.9 NON-STATUTORY CONFLICTS OF INTEREST

Occasionally, a Councilmember, Board member, Commissioner, or Committee member may feel that he/she should ethically refrain from participating in a decision even though the circumstances may not amount to a conflict of interest under the State Law. It is the policy of the Council to encourage members to adhere to strongly held ethical values, which are exercised in good faith. However, ~~subsection~~ Subsection 6.6(E)-(2) encourages participation in the decision-making process unless the matter involves a statutory conflict of interest set forth by State Law.

SECTION

§8. CODE OF ETHICS

PREAMBLE:

The residents of Fountain Hills are entitled to have a fair, ethical, and accountable government, which has earned the public's full confidence. In keeping with the Town of Fountain Hills' commitment to the effective functioning of government, public officials, both elected and appointed, shall comply with the laws and policies affecting the operations of government; be independent, impartial and fair in their judgment and actions and use their office for the public good and not for personal gain.

The purpose of this policy for the Town is to ensure the quality of the Town Government through ethical principles that shall govern the conduct of the Council and members of the Town's Boards, Commissions, and Committees.

In furtherance of this purpose, Town Council, Board, Commission and Committee Members, shall:

8.1 8.1 OBEY THE CONSTITUTION AND LAWS OF THE UNITED STATES OF AMERICA, THE CONSTITUTION, AND LAWS OF THE STATE OF ARIZONA AND THE LAWS OF THE TOWN OF FOUNTAIN HILLS. WORK TO ENACT AND ENFORCE LAWS THAT PROMOTE THE WELL-BEING OF OUR COMMUNITY.

~~8.2~~ **8.2 AFFIRM THE DIGNITY AND WORTH OF THE SERVICES RENDERED BY THE TOWN GOVERNMENT AND MAINTAIN A DEEP SENSE OF SOCIAL RESPONSIBILITY AS A TRUSTED PUBLIC SERVANT.**

~~8.3~~ **8.3 BE DEDICATED TO THE HIGHEST IDEALS OF HONOR, ETHICS, AND INTEGRITY.**

~~A.~~ **A. Public Confidence.** We shall conduct ourselves so as to maintain public confidence in Town government and in the performance of the public trust. We recognize our responsibility, when serving in our official capacity, and will practice the following:

- **Engage in constructive conversations and debates that encourage the exchange of ideas while avoiding personal attacks or derogatory language.**
- **Refrain from making verbal attacks upon the character or motives of other members of the Council, Boards, Commissions, the staff, or the public.**
- **Refrain from making disparaging remarks about the other members of the Council, Boards, Commissions, the staff, or the public.**

~~B.~~ **B. Impression of ~~Influence~~ Influence.** We shall conduct our official and personal affairs in such a manner as to give a clear impression that we cannot be improperly influenced in the performance of our official duties.

~~C.~~ **C. Advocacy.** We shall represent the official policies or positions of the Town Council, Board, or Commission to the best of our ability when designated as delegates for this purpose. When presenting our own individual opinions and positions to the public, the media, or other stakeholders, we shall state they do not represent the Council or the Town of Fountain Hills nor imply that they do.

~~8.4~~ 8.4 SEEK NO FAVOR; BELIEVE THAT PERSONAL BENEFIT OR PROFIT SECURED BY CONFIDENTIAL OR PRIVILEGED INFORMATION OR BY MISUSE OF PUBLIC TIME IS DISHONEST.

~~A.~~ A. Private Employment. We shall take any steps necessary to ensure that we comply with the State Law regarding conflicts of interest when we engage in, solicit, negotiate for, or

promise to accept private employment or render services for private interests or conduct a private business.

~~B.~~ B. Confidential Information. We shall not disclose to others, or use to further our personal interest, confidential information acquired in the course of our official duties.

~~C.~~ C. Gifts. We shall not directly or indirectly, in connection with service to the Town, solicit any gift or accept or receive any gift - of any value - whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form of gratuity. This policy shall not apply to hospitality, transportation or other assistance provided to Town officials when such hospitality, transportation or other assistance is (i) directly related to their participation in community events as a representative of the Town or (ii) of inconsequential value and accepted as a courtesy.

~~D.~~ D. Investment in conflict with official duties. We shall not invest or hold any investment, directly or indirectly, in any financial business, commercial or other private transaction that creates a conflict with our official duties.

~~E.~~ E. Personal relationships. Personal relationships shall be disclosed in any instance where there could be the appearance of conflict of interest or a conflict of interest.

All members of the Council, Boards, Commissions, or Committees shall acknowledge in writing, on a form provided by the Town Clerk, or designee, receipt of these provisions relating to ethics.

SECTION

§9. BOARDS, COMMISSIONS, AND COMMITTEES

The Fountain Hills Council may create such Boards, Commissions, or Committees as deemed necessary to assist in the conduct of the operation of Town government. The Council may authorize and direct the Town Manager to establish ad hoc committees as needed in order to provide additional flexibility with regard to conducting Town business.

~~9.1~~ 9.1 REGULARLY SCHEDULED OR UNSCHEDULED BOARDS, COMMISSIONS AND COMMITTEES

A. Classification.

~~A.~~ All Boards, Commissions, or Committees of the Town shall be classified as regularly scheduled or unscheduled Boards, Commissions, or Committees. Regularly scheduled Boards, Commissions, or Committees are those that meet on a regularly- scheduled basis or may be quasi-judicial in nature. Unscheduled Boards, Commissions, or Committees meet on an as-called basis.

~~B.~~ B. Regularly Scheduled.

~~include:~~ Regularly scheduled Boards, Commissions, or Committees include:

- ~~1.~~ 1. Planning and Zoning Commission
- ~~2.~~ 2. Community Services Advisory Commission
- ~~3.~~ 3. Strategic Planning Advisory Commission
- ~~4.~~ 4. Municipal Property Corporation
- ~~5.~~ 5. Historic and Cultural Advisory Commission

C. Unscheduled.

~~C.~~ Unscheduled Boards, Commissions, or Committees:

~~t~~1. Ad Hoc Committees

2. Board of Adjustment

~~D.~~ D. Sunset.

~~D.~~ Except for the Planning and Zoning Commission and Board of Adjustment, any Boards, Commissions, or Committees created shall cease to exist (1) upon the

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accomplishment of the special purpose for which it was created, or (2) when abolished by a majority vote of the Council.

~~9.2~~ 9.2 SELECTION OF BOARD, COMMISSION, OR COMMITTEE MEMBERS

~~A.~~ A. Call for Applications.

~~A.~~ The call for applications to fill vacant seats for Boards, Commissions, or Committees may include a request for:

~~1.~~ 1. The application that describes the applicant's skills, experience, and educational background are needed to ensure the successful filling of the vacancy. Applicants may submit a resume along with the application; however, not in lieu of filling out the application.

~~2.~~ 2. Responses to the supplemental questionnaire specific to a Board Commission, or Committee application, if such questionnaire is included.

~~3.~~ 3. The Consent to Executive Session form.

~~4.~~ 4. If a member whose term will be expiring wishes to reapply for an additional term on the same Board, Commission or Committee, such member is exempt from filing those items as listed in Subsections 9.2 (A)(~~1~~ and 2). However, such member shall submit in writing, on a form provided by the Town Clerk or designee that includes a request for the Council's consideration of reappointment in addition to the Consent to

Executive Session form as listed in Subsection 9.2(A)(3). The member may include any new or additional information that is relevant to the original application already on file.

B. Advertising/Timing and Location.

B. — The Town Clerk or designee shall be responsible for advertising to fill vacant seats to Boards, Commissions, and Committees for at least two weeks and no later than two months, prior to the expiration of the current Board, Commission, or Committee member(s) term, via:

~~t.~~ ~~The the~~ Town's three official posting sites as listed in Section 2-4-3 of the Fountain Hills Town Code. The application will be placed on the Town's website for public access with hard copies made available to the public through the Town's Customer Service Representative.

~~C.~~ Advertisement Contents.

~~C.~~ Advertisement of vacancies shall include the following:

- ~~1.~~ 1. The name of the Board, Commission, or Committee.
- ~~2.~~ 2. The number of vacancies to be filled.
- ~~3.~~ 3. A brief description of the Board, Commission, or Committee.
- ~~4.~~ 4. A brief description of the qualifications, skills and experience background applicants should possess, if any.
- ~~5.~~ 5. An overview of when the Board, Commission, or Committee meets.
- ~~6.~~ 6. The deadline for submitting applications.
- ~~7.~~ 7. Listing of applicant information required and location where application packets may be obtained.

~~8.~~ 8. Staff Liaison contact information.

D. Staff Review.

~~D.~~ Individuals applying for Boards, Commissions, or Committees must submit to the Town Clerk or Staff Liaison those items as listed in Subsection 9.2(A) by the published deadline. The Town Clerk or Staff Liaison will review the application(s) to ensure that the applicant(s) meet the qualifications as listed in Subsection 9.4(A)

E. Council Materials.

~~E.~~ The staff liaison to the Board, Commission, or Committee will assemble and copy all application packets and provide all supporting materials to all Councilmembers.

F Subcommittee Review/Interview.

The Council subcommittee shall interview all applicants, unless there are more than five applicants for each vacancy, in which case the subcommittee may choose, at its discretion, to limit the number of interviewed applicants to five per vacancy after meeting to review all of the applications. The staff liaison will schedule an appropriate time to interview qualified applicants in person or via telephone; and shall prepare and post the agenda for an executive session in accordance with the Arizona open meeting law for said interviews. Interviews shall be conducted in Executive Session unless the applicant requests the interview be held at a public meeting.

G. Subcommittee Recommendation.

~~G.~~ After the interviews have concluded, the staff liaison, Town Clerk or the Council Subcommittee Chair shall advise the Mayor of the subcommittee's discussion and appointment recommendation(s).

H. Council Consideration.

~~H.~~ The Staff Liaison shall prepare the Staff Report according to the submission deadline and provide to the Town Clerk, or designee, for the next appropriate Council meeting agenda, including the following information: (1) a review of the steps taken to recruit applicants, (2) the number of vacancies to be filled along with the names of those members whose terms expire, (3) the number of applications received and (4) the specific term to be filled.

I. Notification of Council Meeting.

The staff liaison shall notify the appointee(s) that he/she is a possible candidate for appointment to a Board, Commission, or Committee and suggest that he/she may want to be present at the scheduled meeting when the recommendation is presented to the Council.

J. Notification of Council Action.

Following the Council's approval of the Mayor's appointment(s) to a Board, Commission, or Committee, the Town Clerk or designee shall notify appointees as to their appointment and provide them with an Oath of Office, Ethics Policy and Open Meeting Law Affirmation for their signature and return. Those applicants not chosen to fill a vacancy on a Board, Commission, or Committee, will be provided written notification by the Staff Liaison outlining the Council's appointments and they will be provided with an application of interest for consideration of applying for any other Board, Commission, or Committee vacancies.

~~of interest for consideration of applying for any other Board, Commission, or Committee vacancies.~~

K. Appointee Orientation.

The Staff Liaison will provide specific details to the new appointees relative to: (1) their attendance at the "official" Board, Commission, or Committee orientation, and (2) all official literature, agendas, minutes, or other materials specific to their appointment.

~~9.3~~ **9.3 RECOMMENDATIONS FOR APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES**

A. Appointments Subcommittee.

~~A.~~ The Mayor may annually appoint Council Subcommittees for Board, Commission, or Committee appointments. Each subcommittee shall be made up of three Councilmembers. The Mayor may appoint himself/herself to this subcommittee. If no such subcommittee is appointed, at a minimum, a quorum of the Fountain Hills Town Council shall review applications and conduct interviews for the various Boards, Commissions, or Committees to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.

B. Subcommittee Purpose.

~~B.~~ The purpose of this Council Subcommittee is to review applications, interview applicants (in Executive Session) and provide a recommendation to the Mayor for possible appointment to fill vacancies based upon the applicants' skills, experience, and background as required under Section 9.4.

C. Appointment Timing.

C. The process of application review and interviews will be conducted in such a manner as to allow for the appointments to coincide with the term expiration of the current Board, Commission or Committee member(s) term or as soon thereafter as reasonably possible.

9.4 9.4 QUALIFICATIONS FOR APPOINTMENTS; EMPLOYEES OR APPOINTED OFFICERS AS MEMBERS

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A. Minimum Qualifications.

~~A.~~ All members of Boards, Commissions, and Committees shall meet the following minimum qualifications upon their appointment to any Board, Commission, or Committee. Each member must be:

~~1.~~ 1. Eighteen years of age or older, for any Board, Commission, or Committee seats, designated by Council; except for members appointed to Youth Commissioner position for youth representation.

~~2.~~ 2. A Fountain Hills resident for at least one year, unless the Council specifically waives this time or residency requirement for a specific Board, Commission or Committee.

~~3.~~ 3. A qualified elector, except for youth appointees.

B. Prohibited Appointees.

~~B.~~ Town employees or appointed officers shall not be eligible for appointment to any Board, Commission, or Committee but may be requested to provide staff support thereto. Councilmembers are prohibited from serving on regularly scheduled commissions as listed in Subsection 9.~~1~~(B) and the Board of Adjustment.

C. Ex-Officio Members.

~~C.~~ The Mayor, with the consent of the Council, may from time to time appoint ex-officio members to those Boards, Commissions or Committees as set forth in the bylaws of such body. Such members shall serve at the pleasure of the Mayor and Council. ~~ExEx-officio members shall not be entitled to vote on any matter brought before the commission.~~

~~-officio members shall not be entitled to vote on any matter brought before the commission.~~

9.5 9.5 TERMS, VACANCIES, REMOVAL

A. Terms.

~~A.~~ All members of unscheduled Boards, Commissions, and Committees shall serve a term of up to three years, or until the Board, Commission, or Committee is dissolved, unless Council action, Town Code, or Arizona Revised Statutes specifically designates terms.

B. Staggered ~~Terms~~Terms for Smaller Boards.

~~B.~~ For those regularly scheduled Boards, Commissions, and Committees having five members or fewer, the terms of office shall be staggered so that no more than two terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any Boards, Commission, or Committee that will be in existence for a single term.

C. Staggered ~~Term~~ Terms for Larger Boards.

~~C.~~ For those Boards, Commissions, and Committees having more than five members but less than eight members, the terms of office shall be staggered so that no more than three terms shall expire in any single year when possible; provided, however, that no staggering of terms shall be required for any Board, Commission, or Committee that will be in existence for a single term.

D. Simultaneous Service Limitation.

~~D.~~ No individual may serve as a voting member on more than one regularly scheduled or unscheduled Board, Commission, and Committee at one time.

E. Vacancies.

~~E.~~ A vacancy on a Board, Commission, or Committee shall be deemed to have occurred upon the following:

- ~~1.~~ 1. Death or resignation of a member of a Board, Commission, or Committee.
- ~~2.~~ 2. A member ceasing to be a resident of the Town of Fountain Hills, unless the Council has provided that such member may be a non-resident.
- ~~3.~~ 3. Three successive unexcused or unexplained absences by a member from any regular or special Board, Commission, or Committee meetings. However, the term of all members shall extend until their successors are appointed and qualified.

F. Removal.

~~F.~~ Any Board, Commission, or Committee member may be removed as a member to that Board, Commission, or Committee, or in accordance with Article 2A-~~t1~~-1 of the Fountain Hills Town Code.

G. Filling Vacancy.

~~G.~~ Whenever a vacancy has occurred on one Board, Commission, or Committee procedures described in Sections 9.2, 9.3, and 9.4 will be used to generate applicants, interview applicants, and make a recommendation for a potential appointee. One exception to this rule is that if a vacancy should occur within twelve months of a subcommittee's interviewing process for said Board, Commission, or Committee, and the subcommittee had submitted a ranking of those previously interviewed, a recommendation may be forwarded to the Mayor for appointment of the unexpired term based on said ranking.

H. Re-appointment.

~~H.~~ An incumbent member of a Board, Commission, or Committee seeking reappointment shall submit, in writing, on a form provided by the Staff Liaison that includes a request for the Council's consideration of reappointment in addition to the consent to executive session form by the published deadline in order to be considered for appointment by the Council. The member may include anyone or additional information that is relevant to the original application already on file.

~~9.6~~ 9.6 APPLICABILITY OF THE ARIZONA OPEN MEETING LAW

All Board, Commission, or Committee are subject to the Arizona Open Meeting Law and therefore shall attend the Town's Annual Open Meeting Law training.

~~9.7~~ 9.7 RESIDENCY REQUIREMENT

Members of all Boards, Commissions, or Committees shall be residents of the Town.

APPENDIX A

Sample Request to Comment Card

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