

**Open Meeting Law**

**Ethics Training**

**and**

**Resource Guide**

**Board and Commission Members**

**CITY OF SCOTTSDALE  
PUBLIC SERVICE  
ETHICS TRAINING**

**City Officials – Appointed**

TAB

Code of Ethical Behavior

## DIVISION 3. - CODE OF ETHICAL BEHAVIOR: GENERAL

## Sec. 2-47. - Definitions.

The following words, terms and phrases, when used in divisions 3 and 4 of this article of the Code shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City official* means the mayor, members of the city council, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups.

*City of Scottsdale Code of Ethical Behavior* means the provisions set forth in divisions 3 and 4 of this article.

*Ethics code* means the City of Scottsdale Code of Ethical Behavior.

(Ord. No. 3675, § 1, 5-2-06)

## Sec. 2-48. - Ethics policy.

- (a) It is the policy of the City of Scottsdale to uphold, promote, and demand the highest standards of ethical behavior from its mayor, members of the city council, and individuals appointed to serve on the city's boards, commissions, committees, task forces, and other appointed advisory groups. Honesty, integrity, fairness, and transparency of action are the hallmarks of public service in Scottsdale. Use of one's office or position for personal gain or inappropriate influence will not be tolerated.
- (b) All city officials shall obey and observe the letter and spirit of the constitution and laws of the United States of America, the constitution and laws of the State of Arizona, and the charter, laws, and policies of the City of Scottsdale applicable to city officials, including the city's ethics code. A listing of key public service ethics laws is shown below.<sup>1</sup>
- (c) As a prerequisite for exercising any power of office, each city official is required to read and agree in writing to comply with the provisions of these laws, regulations, policies and this ethics code, as well as to participate annually in continuing education workshops regarding public service ethics.
- (d) Federal, state, and city laws provide the legal framework governing public service ethics. Within these laws the city has identified in sections 2-49 through 2-54 of this article the specific areas where clarification and emphasis of the intent and spirit of ethical standards are most warranted.

(Ord. No. 3675, § 1, 5-2-06)

<sup>1</sup> See Exhibit A to this Ordinance No. 3675.

## Sec. 2-49. - Conflicts of interests.

- (a) Arizona law prevents local governments from imposing different conflicts of interests laws than state law. To provide guidance to city officials, Scottsdale interprets Arizona's conflicts of interests laws as follows.
- (b) A conflict of interests arises when a city official, a relative of that official, or an entity in which a city official has a substantial interest is actively engaged in an activity that involves the city's decision-making processes. "Decision-making processes" is broader than just voting and includes being involved with any

aspects of any decisions the city makes, such as contracting, sales, purchases, permitting, and zoning.

- (c) When a conflict of interests arises, the city official involved must immediately refrain from participating in any manner in the city's decision-making processes on the matter as a city official, including voting on the matter or attending meetings with, having written or verbal communications with, or offering advice to any member of the city council, or any city employee, contractor, agent, charter officer, or member of a city board, commission, committee, task force, other appointed advisory group, or agency (other than the city attorney when the city official is seeking legal advice regarding a possible conflict). In addition, within three (3) business days the city official must declare the specific nature of the interest on the public record by updating her or his personal interest disclosure form in the city clerk's office.
- (d) During a public meeting when an agenda item in which a city official has a conflict of interests comes up for consideration, the city official shall state publicly that he or she has a conflict, recuse himself or herself, and leave the room while the matter is being discussed and acted upon by others on the public body.
- (e) In situations where a city official has a question about the applicability of this ethics code or the provisions of Arizona's conflicts of interests laws, the City Charter, or any city ordinance, a ruling may be sought from the city attorney on whether an actual conflict of interests exists. City officials are strongly encouraged to avoid involvement in situations where a ruling declares no technical conflict of interests, but where active participation might raise the perception of undue influence or impropriety.
- (f) As a prerequisite for exercising any power of office, a city official is required to read, complete, and submit to the city clerk the personal interest disclosure form, shown below <sup>2</sup>, before participating in her or his first meeting and before January 31 of every year of continued service to the city.

(Ord. No. 3675, § 1, 5-2-06)

<sup>2</sup> See Exhibit B to this Ordinance No. 3675.

Sec. 2-50. - Gifts; prohibited; exceptions.

- (a) City officials are prohibited from soliciting, receiving, or accepting gifts of any kind from anyone who is engaged in a general practice or specific situation that involves the city's decision-making or permitting processes, except as exempted below. The term "gifts of any kind" includes money, services, loans, travel, entertainment, hospitality (including meals), promises of any future gifts, or anything of value that might be construed as an attempt to create a more favorable relationship than that enjoyed by any other citizen, including: (a) the purchase, sale, or lease of any real or personal property by the city official, that official's relative, or an entity in which that official has a financial interest at a value below or above that available to the general public, and (b) employment and/or services, contracts, direct or indirect, by a city official, that official's relative, or an entity in which that official or relative has a financial interest.
- (b) Exemptions include entertainment, hospitality (including meals), transportation, and token mementoes directly associated with events that an official is attending as a representative of the city. If any gift or personal benefit is permissible and exceeds twenty-five dollars (\$25.00) in value, then the city official must declare it to the city clerk as provided in the Scottsdale Revised Code Section 14-135, unless reporting is not required by the Code provision.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-51. - Open government.

- (a) The citizens of Scottsdale expect and deserve open government. Arizona has an official public policy "that meetings of public bodies be conducted openly" and that any doubt should always be resolved "in favor of open and public meetings" (A.R.S. § 38-431.09). The city council has adopted a formal goal of "Open and Responsive Government: Make government accessible, responsive and accountable so that decisions reflect community input and expectations" (Nov. 4, 2004 Mission and Goals). And Scottsdale citizens have voted in favor of a Vision Statement that "Scottsdale will be a leader in promoting open government processes that are accessible, responsive, and fair to all of its citizen participants" (City of Scottsdale General Plan 2001, page 87).
- (b) Therefore, city officials shall conduct themselves in a manner that fully adheres to and preferably exceeds state laws concerning open meetings and transparency of actions. Indeed, city officials are encouraged to employ a "mindset of openness" in conducting the affairs of the city and should be cautious before voting to hold a portion of a meeting in executive session. Moreover, city officials are reminded that any attempt to circumvent the Open Meeting Law — such as by using technology, a "hub-and-spoke" scheme, or any other technique involving less than a quorum yet designed to communicate with a quorum of the public body — can violate the Open Meeting Law. City officials also shall show no favoritism on who has access to or receives relevant information on matters under consideration or of general public interest.
- (c) The city attorney is encouraged to vigorously promote and enforce state laws regulating open meetings, and be proactive and assertive in ensuring strict adherence to those laws reflecting the city's "mindset of openness."

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-52. - Open meeting laws; executive sessions.

- (a) Arizona law recognizes that there are very narrowly limited occasions when the public's interests are best protected by the public body meeting in closed executive session. To honor the mindset of openness, city officials should consider that, although state law allows discussion of certain limited matters in executive session, closed meetings should be utilized as infrequently as possible and only in clearly compelling circumstances.
- (b) In addition to complying with the Open Meeting Law requirement that a majority of the public body vote in favor of meeting in closed executive session, Scottsdale public bodies will first introduce the item on the agenda, hear the need to go into executive session explained, receive the assent of the city attorney (or designee) that the matter would be an appropriate use of the executive session exception, and then vote to see if a majority of the public body agrees there is a legitimate need to go into executive session.
- (c) To ensure strict compliance with state law, the city attorney (or designee) shall be present at and actively protect the letter and spirit of the Open Meeting Law in all council meetings, all council executive sessions, and all executive sessions to be held by any other city board, commission, committee, task force, or other appointed advisory group. While in executive session, the city attorney (or designee) shall ensure that all discussions and consultations that take place fit within the bounds of what is allowed and

appropriate under a strict and tight interpretation of Arizona's Open Meeting Law. All other questions and discussions related to that same issue shall be posed and addressed only in a public forum either prior to or following the executive session.

- (d) The city attorney (or designee) will not attend those portions of executive sessions involving personnel matters, pursuant to A.R.S. § 38-431.03(A)(1), relating to the city auditor, city clerk, city judge, associate city judges, city manager, or city treasurer, but may attend if requested to do so by the city council.
- (e) Before leaving the executive session, the city attorney (or designee) shall remind those present in the closed executive session that Arizona law (a) mandates that all discussions within and minutes of executive sessions are strictly confidential for all time, and (b) prohibits attendees from revealing to anyone, including family members, any part of any discussion that took place in executive session.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-53. - Preservation and availability of public documents.

- (a) Consistent with Arizona's Public Records Laws, written communications between public officials and private citizens on matters explicitly involving the affairs of the city are considered public documents. Such written communications shall be preserved in compliance with the city's document retention policy and made available for review upon request.
- (b) "*Written communications*" includes city-related e-mail messages and attachments originating from or received by elected or appointed officials on any publicly or privately owned equipment at city hall, the city official's place of employment, private residence, or remote locations. Destruction of such communications prior to the expiration of the time period specified in the city's document retention policy is prohibited.
- (c) The city's electronic messaging systems and electronic communications systems (including telephones) are to be used for official city business only, except for limited personal uses (e.g., asking a person to lunch or a social event, checking on the welfare of family members, scheduling or canceling a doctor's appointment). City officials are prohibited from using the city's official e-mail service for commercial purposes or other inappropriate uses.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-54. - Undue influence on subordinates.

- (a) Under the city's charter, administrative authority is vested solely in the city manager. Members of the city council may make inquiries to city staff. Members of the city council may not interfere with the city manager's authority, however, by giving orders or explicit directions or requests, publicly or privately, regarding city matters to any subordinates of the city manager, and they shall not attempt to exert influence on the city manager on issues relating to the hiring or removal of persons employed by the city.
- (b) All city officials shall respect the orderly lines of authority within city government.

(Ord. No. 3675, § 1, 5-2-06)

DIVISION 4. - CODE OF ETHICAL BEHAVIOR: ENFORCEMENT

## Sec. 2-55. - Filing complaints.

(a) *Contents.* Any person who believes a city official in her or his official capacity has violated a mandatory requirement or prohibition in the City of Scottsdale Code of Ethical Behavior, set forth in division 3 of this article, above, or violated any state or city law may file a sworn complaint with the city attorney identifying:

- (1) The complainant's name, address, and telephone number;
- (2) The name and position of the city official who is the subject of the complaint;
- (3) The nature of the alleged violation, including the specific provision of the ethics code or law allegedly violated;
- (4) A statement of facts constituting the alleged violation and the dates on which or period of time in which the alleged violation occurred;
- (5) All documents or other material in the complainant's possession that are relevant to the allegation, a list of all documents or other material relevant to the allegation that are available to the complainant but not in the complainant's possession, and a list of all other documents or other material relevant to the allegations but unavailable to the complainant, including the location of the documents, if known;
- (6) A list of witnesses, what they may know, and their contact information, if known; and
- (7) If the alleged violation occurred more than ninety (90) days before the sworn complaint is filed with the city attorney, then the complaint must identify the date the complainant learned of the alleged violation and provide a statement of the facts surrounding the discovery of the violation, a list of the persons with knowledge about the date the violation was discovered, and a summary of the information they possess about the discovery.

The complaint shall include an affidavit stating that the information contained in the complaint is true and correct, or that the complainant has good reason to believe and does believe that the facts alleged constitute a violation of the ethics code. If the complaint is based on information and belief, the complaint shall identify the basis of the information and belief, including all sources, contact information for those sources, and how and when the information and/or belief was conveyed to the complainant by those sources. The complainant shall swear to the facts by oath before a notary public or other person authorized by law to administer oaths under penalty of perjury.

- (b) *Time for filing.* A complaint must be filed on or before the 365th day after the violation is alleged to have occurred or the 90th day after the violation was discovered, whichever date is earlier.
- (c) *False or frivolous complaints.* A person who knowingly makes a false, misleading, or unsubstantiated statement in a complaint is subject to criminal prosecution for perjury and potential civil liability for, among other possible causes of action, defamation. If after reviewing an ethics complaint it is determined that a sworn complaint is groundless and appears to have been filed in bad faith or for the purpose of harassment, or that intentionally false or malicious information has been provided under penalty of

perjury, then the city attorney may refer the matter to the appropriate law enforcement authority for possible prosecution. A city official who seeks to take civil action regarding any such complaint shall do so at her or his expense.

- (d) *Elections complaints.* Any complaints relating to city elections shall be filed with or referred to the city clerk for review and disposition as provided by law.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-56. - Complaints against members of boards, commissions, committees, task forces, and other appointed advisory groups.

- (a) *Initial screening of complaints.* The city attorney shall review each complaint filed alleging a violation by a member of a city board, commission, committee, task force, and other appointed advisory group and within fifteen (15) days either:

- (1) Return it for being incomplete;
- (2) Dismiss it for being untimely;
- (3) Dismiss it if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition - as opposed to an aspirational or administrative provision - of the ethics code or any laws;
- (4) Dismiss it as being without merit and refer it to the appropriate authorities for action against the complainant if the city attorney determines the complaint was false, misleading, frivolous, or unsubstantiated;
- (5) Refer alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint states on its face allegations that, if true, would constitute a violation of Arizona or federal law; or
- (6) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of the City's Code of Ethical Behavior or a city law, take action as set forth below.

In all circumstances, the city attorney shall simultaneously notify in writing the complainant, the city official subject to the complaint, and the city clerk regarding the action taken.

- (b) *Review and findings.* For ethics complaints alleging violations of the City's Code of Ethical Behavior or a city law that proceed for additional review, the city attorney shall investigate the allegations and, within thirty (30) days (unless the city attorney requests a fifteen-day extension that is granted in writing by the mayor or vice mayor), submit to the city council, the complainant, the official who is the subject of the complaint, and the city clerk a report with findings of fact, conclusions of law, and a recommendation. The city council shall consider the city attorney's report at a public meeting. If the city council finds an ethical violation, then it may remove the member from the city board, commission, committee, task force, or other appointed advisory group. In resolving a complaint, the totality of the circumstances shall be taken into consideration, including the intent of the person accused of wrongdoing.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-57. - Complaints against the mayor and members of the city council.

- (a) *Independent ethics reviewers.* The city shall use independent, non-city personnel to handle ethics complaints lodged against the mayor and members of the city council (and to handle any ethics complaints filed against a member of a city board, commission, committee, task force, or other appointed advisory group if the city attorney would have a conflict of interests in handling that complaint). The city attorney, in compliance with applicable provisions of the City Procurement Code, shall select a pool of ten (10) to twelve (12) individuals who could serve as the city's independent ethics reviewers to handle ethics complaints lodged against the mayor and members of the city council. To be eligible for selection, individuals must be retired federal or state judges or faculty members at the law schools at Arizona State University or the University of Arizona who do not live in Scottsdale and do not work for firms or employers that regularly have business in Scottsdale or represent clients in Scottsdale. In the event the city attorney cannot select a sufficient number of eligible people who can perform the necessary services, then the city attorney may complete the pool by selecting independent qualified attorneys who do not live or office in Scottsdale and whose firms or employers do not regularly have business in Scottsdale or represent clients in Scottsdale. At least two-thirds ( 2/3 ) of the independent ethics reviewers shall be retired judges or law school faculty members. Individuals who serve as the city's independent ethics reviewers shall do so as the city's agents and enjoy the city's full liability protection and immunity as allowed by law. Each year the city attorney shall nominate one person from the independent ethics reviewers to serve as the city's "independent ethics officer," and the other independent ethics reviewers will either confirm the nominee or select another reviewer from the pool. The independent ethics officer shall not serve in that role for more than one consecutive year.
- (b) *Initial screening of complaints.* The city attorney shall immediately transfer any complaint filed against the mayor or members of the city council to the city's independent ethics officer, who will conduct the initial screening of the complaint and within fifteen (15) days issue a report of findings and conclusions and recommend that the city attorney handle the complaint as follows:
- (1) Return it for being incomplete;
  - (2) Dismiss it for being untimely;
  - (3) Dismiss it if the complaint on its face fails to state allegations that, if true, would violate a mandatory requirement or prohibition as opposed to an aspirational or administrative provision of the ethics code or any laws;
  - (4) Dismiss it as being without merit and refer it to the appropriate authorities for action against the complainant if the independent ethics officer determines the complaint was false, misleading, frivolous, or unsubstantiated;
  - (5) Refer alleged violations of Arizona or federal laws to an appropriate law enforcement agency if the complaint states on its face allegations that, if true, would constitute a violation of Arizona or federal law; or
  - (6) If the complaint states on its face allegations that, if true, would constitute a violation of a mandatory requirement or prohibition (as opposed to aspirational or administrative provisions) of the City's Code of Ethical Behavior or a city law, refer the matter to an independent ethics panel for further action as set forth in subsection (c) below.

In all circumstances, the city attorney shall follow the independent ethics officer's recommendation and notify in writing the complainant, the city official subject to the complaint, and the city clerk regarding the action taken.

- (c) *Review and findings.* If the independent ethics officer recommends referral of a complaint to an independent ethics panel for further review, then the city attorney shall immediately transfer the complaint to an ethics panel consisting of three (3) independent ethics reviewers selected by the independent ethics officer from the pool of eligible individuals. The members of the ethics panel shall investigate the complaint and report to the city council, the complainant, the official who is the subject of the complaint, the city attorney, and the city clerk its findings of fact and conclusions of law within sixty (60) days (unless the panel requests a thirty-day extension that is granted in writing by the independent ethics officer). The city council shall consider the ethics panel's report at a public meeting and either accept or reject the ethics panel's report as submitted.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-58. - Review of complaints.

- (a) *Presumptions.* The city attorney's recommendation to refer a complaint for further review does not mean that any of the complaint's allegations are true or that any city official has violated this ethics code or any law.
- (b) *Procedures.* The city attorney will adopt written rules of procedure to govern the review process, including the right of a city official against whom the complaint has been lodged to respond to the complaint, attend any hearing, and present witnesses and other evidence on her or his own behalf.
- (c) *Expedite.* The timelines for handling complaints set forth above set the outer limits. Reviewers and decision-makers are strongly encouraged to make their findings, recommendations, and decisions as expeditiously as possible for the sake of the public and the city officials against whom complaints have been filed.
- (d) *Public information regarding action taken and reports issued.* On the same day the city attorney notifies a complainant of the action taken on a complaint as set forth in subsections 2-56(a) and 2-57(b) of this Code, above, and on the same day the city attorney issues a report to the city council regarding complaints against members of city boards, commissions, committees, task forces, or other appointed advisory groups as set forth in subsection 2-56(b) of this Code, above, or an ethics panel issues a report to the city council regarding complaints against the mayor or a member of the city council as set forth in subsection 2-57(c) of this Code, above, copies of those notices and reports shall be filed with the city clerk and made available to the public as public records.
- (e) *Inapplicable provisions.* The provisions of section 1-8 of this Code are inapplicable to divisions 3 and 4 of this article.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-59. - Effective date; prospective application.

Divisions 3 and 4 of this article II of chapter 2 of this Code are effective on and after July 1, 2006. The provisions of these divisions shall apply prospectively only to acts that are alleged to have occurred on or after the effective date.

(Ord. No. 3675, § 1, 5-2-06)

Sec. 2-60. - Reserved.

TAB

Conflict of Interest  
State Laws

ARTICLE 8. CONFLICT OF INTEREST OF OFFICERS AND EMPLOYEES

38-501. Application of article

A. This article shall apply to all public officers and employees of incorporated cities or towns, of political subdivisions and of the state and any of its departments, commissions, agencies, bodies or boards.

B. Notwithstanding the provisions of any other law, or the provisions of any charter or ordinance of any incorporated city or town to the contrary, the provisions of this article shall be exclusively applicable to all officers and employees of every incorporated city or town or political subdivision or the state and any of its departments, commissions, agencies, bodies or boards and shall supersede the provisions of any other such law, charter provision or ordinance.

C. Other prohibitions in the state statutes against any specific conflict of interests shall be in addition to this article if consistent with the intent and provisions of this article.

38-502. Definitions

In this article, unless the context otherwise requires:

1. "Compensation" means money, a tangible thing of value or a financial benefit.

2. "Employee" means all persons who are not public officers and who are employed on a full-time, part-time or contract basis by an incorporated city or town, a political subdivision or the state or any of its departments, commissions, agencies, bodies or boards for remuneration.

3. "Make known" means the filing of a paper which is signed by a public officer or employee and which fully discloses a substantial interest or the filing of a copy of the official minutes of a public agency which fully discloses a substantial interest. The filing shall be in the special file established pursuant to section 38-509.

4. "Official records" means the minutes or papers, records and documents maintained by a public agency for the specific purpose of receiving disclosures of substantial interests required to be made known by this article.

5. "Political subdivision" means all political subdivisions of the state and county, including all school districts.

6. "Public agency" means:

(a) All courts.

(b) Any department, agency, board, commission, institution, instrumentality or legislative or administrative body of the state, a county, an incorporated town or city and any other political subdivision.

(c) The state, county and incorporated cities or towns and any other political subdivisions.

7. "Public competitive bidding" means the method of purchasing prescribed by title 41, chapter 23, or procedures substantially equivalent to such method of purchasing, or as provided by local charter or ordinance.

8. "Public officer" means all elected and appointed officers of a public agency established by charter, ordinance, resolution, state constitution or statute.

9. "Relative" means the spouse, child, child's child, parent, grandparent, brother or sister of the whole or half blood and their spouses and the parent, brother, sister or child of a spouse.

10. "Remote interest" means:

(a) That of a nonsalaried officer of a nonprofit corporation.

(b) That of a landlord or tenant of the contracting party.

(c) That of an attorney of a contracting party.

(d) That of a member of a nonprofit cooperative marketing association.

(e) The ownership of less than three percent of the shares of a corporation for profit, provided the total annual income from dividends, including the value of stock dividends, from the corporation does not exceed five percent of the total annual income of such officer or employee and any other payments made to him by the corporation do not exceed five percent of his total annual income.

(f) That of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty.

(g) That of a recipient of public services generally provided by the incorporated city or town, political subdivision or state department, commission, agency, body or board of which he is a public officer or employee, on the same terms and conditions as if he were not an officer or employee.

(h) That of a public school board member when the relative involved is not a dependent, as defined in section 43-1001, or a spouse.

(i) That of a public officer or employee, or that of a relative of a public officer or employee, unless the contract or decision involved would confer a direct economic benefit or detriment on the officer, the employee or his relative, of any of the following:

(i) Another political subdivision.

(ii) A public agency of another political subdivision.

(iii) A public agency except if it is the same governmental entity.

(j) That of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of that trade, business, occupation, profession or class of persons.

(k) That of a relative who is an employee of any business entity or governmental entity that employs at least twenty-five employees within this state and who, in the capacity as an employee, does not assert control or decision-making authority over the entity's management or budget decisions.

(l) The ownership of any publicly traded investments that are held in an account or fund, including a mutual fund, that is managed by one or more qualified investment professionals who are not employed or controlled by the officer or employee and that the officer or employee owns shares or interest together with other investors.

11. "Substantial interest" means any nonspeculative pecuniary or proprietary interest, either direct or indirect, other than a remote interest.

38-503. Conflict of interest; exemptions; employment prohibition

A. Any public officer or employee of a public agency who has, or whose relative has, a substantial interest in any contract, sale, purchase or service to such public agency shall make known that interest in the official records of such public agency and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale or purchase.

B. Any public officer or employee who has, or whose relative has, a substantial interest in any decision of a public agency shall make known

such interest in the official records of such public agency and shall refrain from participating in any manner as an officer or employee in such decision.

C. Notwithstanding the provisions of subsections A and B of this section, no public officer or employee of a public agency shall supply to such public agency any equipment, material, supplies or services, unless pursuant to an award or contract let after public competitive bidding, except that:

1. A school district governing board may purchase, as provided in sections 15-213 and 15-323, supplies, materials and equipment from a school board member.

2. Political subdivisions other than school districts may purchase through their governing bodies, without using public competitive bidding procedures, supplies, materials and equipment not exceeding three hundred dollars in cost in any single transaction, not to exceed a total of one thousand dollars annually, from a member of the governing body if the policy for such purchases is approved annually.

D. Notwithstanding subsections A and B of this section and as provided in sections 15-421 and 15-1441, the governing board of a school district or a community college district may not employ a person who is a member of the governing board or who is the spouse of a member of the governing board.

#### 38-504. Prohibited acts

A. A public officer or employee shall not represent another person for compensation before a public agency by which the officer or employee is or was employed within the preceding twelve months or on which the officer or employee serves or served within the preceding twelve months concerning any matter with which the officer or employee was directly concerned and in which the officer or employee personally participated during the officer's or employee's employment or service by a substantial and material exercise of administrative discretion.

B. During the period of a public officer's or employee's employment or service and for two years thereafter, a public officer or employee shall not disclose or use for the officer's or employee's personal profit, without appropriate authorization, any information acquired by the officer or employee in the course of the officer's or employee's official duties which has been clearly designated to the officer or employee as confidential when such confidential designation is warranted because of the status of the proceedings or the circumstances under which the information was received and preserving its confidentiality is necessary for the proper conduct of government business. A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law.

C. A public officer or employee shall not use or attempt to use the officer's or employee's official position to secure any valuable thing or valuable benefit for the officer or employee that would not ordinarily accrue to the officer or employee in the performance of the officer's or employee's official duties if the thing or benefit is of such character as to manifest a substantial and improper influence on the officer or employee with respect to the officer's or employee's duties.

38-505. Additional income prohibited for services

A. No public officer or employee may receive or agree to receive directly or indirectly compensation other than as provided by law for any service rendered or to be rendered by him personally in any case, proceeding, application, or other matter which is pending before the public agency of which he is a public officer or employee.

B. This section shall not be construed to prohibit the performance of ministerial functions including, but not limited to, the filing, or amendment of tax returns, applications for permits and licenses, incorporation papers, and other documents.

38-506. Remedies

A. In addition to any other remedies provided by law, any contract entered into by a public agency in violation of this article is voidable at the instance of the public agency.

B. Any person affected by a decision of a public agency may commence a civil suit in the superior court for the purpose of enforcing the civil provisions of this article. The court may order such equitable relief as it deems appropriate in the circumstances including the remedies provided in this section.

C. The court may in its discretion order payment of costs, including reasonable attorney's fees, to the prevailing party in an action brought under subsection B.

38-507. Opinions of the attorney general, county attorneys, city or town attorneys and house and senate ethics committee

Requests for opinions from either the attorney general, a county attorney, a city or town attorney, the senate ethics committee or the house of representatives ethics committee concerning violations of this article shall be confidential, but the final opinions shall be a matter of public record. The county attorneys shall file opinions with the county recorder, the city or town attorneys shall file opinions with the city or town clerk, the senate ethics committee shall file opinions with the senate secretary and the house of representatives ethics committee shall file opinions with the chief clerk of the house of representatives.

38-508. Authority of public officers and employees to act

A. If the provisions of section 38-503 prevent an appointed public officer or a public employee from acting as required by law in his official capacity, such public officer or employee shall notify his superior authority of the conflicting interest. The superior authority may empower another to act or such authority may act in the capacity of the public officer or employee on the conflicting matter.

B. If the provisions of section 38-503 prevent a public agency from acting as required by law in its official capacity, such action shall not be prevented if members of the agency who have apparent conflicts make known their substantial interests in the official records of their public agency.

38-509. Filing of disclosures

Every political subdivision and public agency subject to this article shall maintain for public inspection in a special file all documents necessary to memorialize all disclosures of substantial interest made known pursuant to this article.

38-510. Penalties

A. A person who:

1. Intentionally or knowingly violates any provision of sections 38-503 through 38-505 is guilty of a class 6 felony.

2. Recklessly or negligently violates any provision of sections 38-503 through 38-505 is guilty of a class 1 misdemeanor.

B. A person found guilty of an offense described in subsection A of this section shall forfeit his public office or employment if any.

C. It is no defense to a prosecution for a violation of sections 38-503 through 38-505 that the public officer or employee to whom a benefit is offered, conferred or agreed to be conferred was not qualified or authorized to act in the desired way.

D. It is a defense to a prosecution for a violation of sections 38-503 through 38-505 that the interest charged to be substantial was a remote interest.

38-511. Cancellation of political subdivision and state contracts; definition

A. The state, its political subdivisions or any department or agency of either may, within three years after its execution, cancel any contract, without penalty or further obligation, made by the state, its political subdivisions, or any of the departments or agencies of either if any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any of the departments or agencies of either is, at any time while the contract or any extension of the contract is in effect, an employee or agent of any other party to the contract in any capacity or a consultant to any other party of the contract with respect to the subject matter of the contract.

B. Leases of state trust land for terms longer than ten years cancelled under this section shall respect those rights given to mortgagees of the lessee by section 37-289 and other lawful provisions of the lease.

C. The cancellation under this section by the state or its political subdivisions shall be effective when written notice from the governor or the chief executive officer or governing body of the political subdivision is received by all other parties to the contract unless the notice specifies a later time.

D. The cancellation under this section by any department or agency of the state or its political subdivisions shall be effective when written notice from such party is received by all other parties to the contract unless the notice specifies a later time.

E. In addition to the right to cancel a contract as provided in subsection A of this section, the state, its political subdivisions or any department or agency of either may recoup any fee or commission paid or due

to any person significantly involved in initiating, negotiating, securing, drafting or creating the contract on behalf of the state, its political subdivisions or any department or agency of either from any other party to the contract arising as the result of the contract.

F. Notice of this section shall be included in every contract to which the state, its political subdivisions, or any of the departments or agencies of either is a party.

G. For purposes of this section, "political subdivisions" do not include entities formed or operating under title 48, chapter 11, 12, 13, 17, 18, 19 or 22.

TAB

Gifts; Additional Code Section and Gift Form

## Sec. 14-135. - Gifts and gratuities.

- (a) The provisions of this section are intended to promote ethical conduct and public trust in the integrity of Scottsdale municipal government and therefore, shall apply to all city employees, elected and appointed officers, including members of boards and commissions, in the course of their employment or the performance of their official duties with the city.
- (b) No gifts, gratuities, and other benefits or items of value shall be solicited by a city employee or officer for personal benefit.
- (c) Monetary gratuities, tips, honoraria, or other payments for services rendered for performing city employment or official city duties, other than compensation from the city or that which is otherwise provided by law or city policy, shall not be accepted.
- (d) Gifts and other personal benefits or items of value shall not be accepted if acceptance could reasonably be construed as an attempt to exert improper influence on any municipal decision or action, or as a reward for any official action.
- (e) If, after consideration of the ethical standards expressed in this policy, a gift, personal benefit, or other item in excess of twenty-five dollars (\$25.00) in value, is accepted, it must be declared in writing with the city clerk's office within five (5) business days of acceptance. The declaration shall be made on a form designated by the clerk.
- (f) The following items reflect legitimate public duties or purposes, or are otherwise not considered gifts to an employee or officer for personal benefit that must be declared pursuant to 14-135(e):
  - (1) Admission to events which are sponsored or funded in whole or in part by the city, if furnished by the city or sponsor(s) of such events;
  - (2) Reasonable hosting, including meals and refreshments, travel, and related expenses, furnished in connection with official speaking engagements, ceremonies or other work-related appearances on behalf of the city, when public or civic purposes are served;
  - (3) Gifts of goodwill or other tokens of appreciation accepted on behalf of the city, or in the case of food, accepted and shared with others in the work place.
  - (4) Items received and donated to a charitable organization.

(Ord. No. 1837, § 1(Art. 8, § 805), 6-15-87; Ord. No. 2868, § 41, 3-4-96; Ord. No. 3264, § 1, 10-4-99)

**City of Scottsdale  
Declaration of Gifts Form**

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*To be filed in the City Clerk's office within five business days after acceptance of an applicable gift, personal benefit or other item in excess of \$25.00 in value, pursuant to Scottsdale City Code section 14-135 (printed on reverse side).*

Check Relevant Filing Category:

Employee

Public Officer/City Official

Name: \_\_\_\_\_

Public body you are member of (i.e. city council, board or commission, etc.), if applicable.

Phone: (preferred number for access): \_\_\_\_\_

Department (if applicable): \_\_\_\_\_

Description of Gift(s) and Related Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date Received: \_\_\_\_\_ Face Value of Gift(s): \_\_\_\_\_ (if applicable)

Source of Gift(s) [Name of individual(s) and organization(s), if applicable]:

\_\_\_\_\_

\_\_\_\_\_

Submitted by: \_\_\_\_\_

(Signature)

Date: \_\_\_\_\_

NOTE: This document must be filed with the City Clerk's Office within five business days of acceptance of an applicable gift, personal benefit or other item in excess of \$25.00 in value, pursuant to SRC Section 14-135. A City employee, who is required to complete and file this form, shall provide a copy of the completed form to his/her supervisor prior to filing it with the City Clerk's Office.

TAB

Open Meeting Law

ARTICLE 3.1 PUBLIC MEETINGS AND PROCEEDINGS

38-431. Definitions

In this article, unless the context otherwise requires:

1. "Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.

2. "Executive session" means a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in section 38-431.03. In addition to the members of the public body, officers, appointees and employees as provided in section 38-431.03 and the auditor general as provided in section 41-1279.04, only individuals whose presence is reasonably necessary in order for the public body to carry out its executive session responsibilities may attend the executive session.

3. "Legal action" means a collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state.

4. "Meeting":

(a) Means the gathering, in person or through technological devices, of a quorum of the members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to that action.

(b) Includes:

(i) A one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action.

(ii) An exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.

5. "Political subdivision" means all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts.

6. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or a political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.

7. "Quasi-judicial body" means a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims.

38-431.01. Meetings shall be open to the public

A. All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings. All legal action of public bodies shall occur during a public meeting.

B. All public bodies shall provide for the taking of written minutes or a recording of all their meetings, including executive sessions. For meetings other than executive sessions, the minutes or recording shall include:

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

C. Minutes of executive sessions shall include items set forth in subsection B, paragraphs 1, 2 and 3 of this section, an accurate description of all instructions given pursuant to section 38-431.03, subsection A, paragraphs 4, 5 and 7 and other matters as may be deemed appropriate by the public body.

D. The minutes or a recording of a meeting shall be available for public inspection three working days after the meeting except as otherwise specifically provided by this article.

E. A public body of a city or town with a population of more than two thousand five hundred persons shall:

1. Within three working days after a meeting, except for subcommittees and advisory committees, post on its website, if applicable, either:

- (a) A statement describing the legal actions taken by the public body of the city or town during the meeting.

- (b) Any recording of the meeting.

2. Within two working days following approval of the minutes, post approved minutes of city or town council meetings on its website, if applicable, except as otherwise specifically provided by this article.

3. Within ten working days after a subcommittee or advisory committee meeting, post on its website, if applicable, either:

- (a) A statement describing legal action, if any.

- (b) A recording of the meeting.

F. All or any part of a public meeting of a public body may be recorded by any person in attendance by means of a tape recorder or camera or any other means of sonic reproduction, provided that there is no active interference with the conduct of the meeting.

G. The secretary of state for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies shall conspicuously post open meeting law materials prepared and approved by the attorney general on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office.

H. A public body may make an open call to the public during a public meeting, subject to reasonable time, place and manner restrictions, to allow individuals to address the public body on any issue within the jurisdiction of the public body. At the conclusion of an open call to the public,

individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda. However, members of the public body shall not discuss or take legal action on matters raised during an open call to the public unless the matters are properly noticed for discussion and legal action.

I. A member of a public body shall not knowingly direct any staff member to communicate in violation of this article.

J. Any posting required by subsection E of this section must remain on the applicable website for at least one year after the date of the posting.

38-431.02. Notice of meetings

A. Public notice of all meetings of public bodies shall be given as follows:

1. The public bodies of this state, including governing bodies of charter schools, shall:

(a) Conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) Post all public meeting notices on their website and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

2. The public bodies of the counties and school districts shall:

(a) Conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) Post all public meeting notices on their website and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

3. Special districts that are formed pursuant to title 48:

(a) May conspicuously post a statement on their website stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) May post all public meeting notices on their website and shall give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice was posted if the public body complies with all other public notice requirements required by this section.

(c) If a statement or notice is not posted pursuant to subdivision (a) or (b) of this paragraph, shall file a statement with the clerk of the board of supervisors stating where all public notices of their meetings will be posted and shall give additional public notice as is reasonable and practicable as to all meetings.

4. The public bodies of the cities and towns shall:

(a) Conspicuously post a statement on their website or on a website of an association of cities and towns stating where all public notices of their meetings will be posted, including the physical and electronic locations, and shall give additional public notice as is reasonable and practicable as to all meetings.

(b) Post all public meeting notices on their website or on a website of an association of cities and towns and give additional public notice as is reasonable and practicable as to all meetings. A technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website does not preclude the holding of the meeting for which the notice

was posted if the public body complies with all other public notice requirements required by this section.

B. If an executive session is scheduled, a notice of the executive session shall state the provision of law authorizing the executive session, and the notice shall be provided to the:

1. Members of the public body.
2. General public.

C. Except as provided in subsections D and E of this section, meetings shall not be held without at least twenty-four hours' notice to the members of the public body and to the general public. The twenty-four hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in section 1-301.

D. In case of an actual emergency, a meeting, including an executive session, may be held on such notice as is appropriate to the circumstances. If this subsection is utilized for conduct of an emergency session or the consideration of an emergency measure at a previously scheduled meeting the public body must post a public notice within twenty-four hours declaring that an emergency session has been held and setting forth the information required in subsections H and I of this section.

E. A meeting may be recessed and resumed with less than twenty-four hours' notice if public notice of the initial session of the meeting is given as required in subsection A of this section, and if, before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given.

F. A public body that intends to meet for a specified calendar period, on a regular day, date or event during the calendar period, and at a regular place and time, may post public notice of the meetings at the beginning of the period. The notice shall specify the period for which notice is applicable.

G. Notice required under this section shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such an agenda. The agenda must be available to the public at least twenty-four hours before the meeting, except in the case of an actual emergency under subsection D of this section. The twenty-four hour period includes Saturdays if the public has access to the physical posted location in addition to any website posting, but excludes Sundays and other holidays prescribed in section 1-301.

H. Agendas required under this section shall list the specific matters to be discussed, considered or decided at the meeting. The public body may discuss, consider or make decisions only on matters listed on the agenda and other matters related thereto.

I. Notwithstanding the other provisions of this section, notice of executive sessions shall be required to include only a general description of the matters to be considered. The agenda shall provide more than just a recital of the statutory provisions authorizing the executive session, but need not contain information that would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege.

J. Notwithstanding subsections H and I of this section, in the case of an actual emergency a matter may be discussed and considered and, at public meetings, decided, if the matter was not listed on the agenda and a statement setting forth the reasons necessitating the discussion, consideration or decision is placed in the minutes of the meeting and is publicly announced at the public meeting. In the case of an executive session, the reason for consideration of the emergency measure shall be announced publicly immediately before the executive session.

K. Notwithstanding subsection H of this section, the chief administrator, presiding officer or a member of a public body may present a brief summary of current events without listing in the agenda the specific matters to be summarized, if:

1. The summary is listed on the agenda.
2. The public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action.

38-431.03. Executive sessions; definitions

A. On a public majority vote of the members constituting a quorum, a public body may hold an executive session but only for the following purposes:

1. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting.

2. Discussion or consideration of records exempt by law from public inspection, including the receipt and discussion of information or testimony that is specifically required to be maintained as confidential by state or federal law.

3. Discussion or consultation for legal advice with the attorney or attorneys of the public body.

4. Discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation.

5. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body.

6. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town.

7. Discussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations for the purchase, sale or lease of real property.

8. Discussion or consideration of matters relating to school safety operations or school safety plans or programs.

9. Discussions or consultations with designated representatives of the public body in order to discuss security plans, procedures, assessments, measures or systems relating to, or having an impact on, the security or safety of buildings, facilities, operations, critical infrastructure information and information technology maintained by the public body. Records, documentation, notes, or other materials made by, or provided to, the representatives pursuant to this paragraph are confidential and exempt from public disclosure under this chapter and title 39, chapter 1.

B. Minutes of and discussions made at executive sessions shall be kept confidential except from:

1. Members of the public body that met in executive session.

2. Officers, appointees or employees who were the subject of discussion or consideration pursuant to subsection A, paragraph 1 of this section.

3. The auditor general on a request made in connection with an audit authorized as provided by law.

4. A county attorney or the attorney general when investigating alleged violations of this article.

C. The public body shall instruct persons who are present at the executive session regarding the confidentiality requirements of this article.

D. Legal action involving a final vote or decision shall not be taken at an executive session, except that the public body may instruct its attorneys or representatives as provided in subsection A, paragraphs 4, 5 and 7 of this section. A public vote shall be taken before any legal action binds the public body.

E. Except as provided in section 38-431.02, subsections I and J, a public body shall not discuss any matter in an executive session that is not described in the notice of the executive session.

F. Disclosure of executive session information pursuant to this section or section 38-431.06 does not constitute a waiver of any privilege, including the attorney-client privilege. Any person receiving executive session information pursuant to this section or section 38-431.06 shall not disclose that information except to the attorney general or county attorney, by agreement with the public body or to a court in camera for purposes of enforcing this article. Any court that reviews executive session information shall take appropriate action to protect privileged information.

G. For the purposes of this section:

1. "Critical infrastructure" has the same meaning prescribed in section 41-1801.

2. "Information technology" has the same meaning prescribed in section 18-101.

**38-431.04. Writ of mandamus**

Where the provisions of this article are not complied with, a court of competent jurisdiction may issue a writ of mandamus requiring that a meeting be open to the public.

**38-431.05. Meeting held in violation of article; business transacted null and void; ratification**

A. All legal action transacted by any public body during a meeting held in violation of any provision of this article is null and void except as provided in subsection B.

B. A public body may ratify legal action taken in violation of this article in accordance with the following requirements:

1. Ratification shall take place at a public meeting within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.

2. The notice for the meeting shall include a description of the action to be ratified, a clear statement that the public body proposes to ratify a prior action and information on how the public may obtain a detailed written description of the action to be ratified.

3. The public body shall make available to the public a detailed written description of the action to be ratified and all deliberations, consultations and decisions by members of the public body that preceded and related to such action. The written description shall also be included as part of the minutes of the meeting at which ratification is taken.

4. The public body shall make available to the public the notice and detailed written description required by this section at least seventy-two hours in advance of the public meeting at which the ratification is taken.

38-431.06. Investigations; written investigative demands

A. On receipt of a written complaint signed by a complainant alleging a violation of this article or on their own initiative, the attorney general or the county attorney for the county in which the alleged violation occurred may begin an investigation.

B. In addition to other powers conferred by this article, in order to carry out the duties prescribed in this article, the attorney general or the county attorney for the county in which the alleged violation occurred, or their designees, may:

1. Issue written investigative demands to any person.
2. Administer an oath or affirmation to any person for testimony.
3. Examine under oath any person in connection with the investigation of the alleged violation of this article.
4. Examine by means of inspecting, studying or copying any account, book, computer, document, minutes, paper, recording or record.
5. Require any person to file on prescribed forms a statement or report in writing and under oath of all the facts and circumstances requested by the attorney general or county attorney.

C. The written investigative demand shall:

1. Be served on the person in the manner required for service of process in this state or by certified mail, return receipt requested.
2. Describe the class or classes of documents or objects with sufficient definiteness to permit them to be fairly identified.
3. Prescribe a reasonable time at which the person shall appear to testify and within which the document or object shall be produced and advise the person that objections to or reasons for not complying with the demand may be filed with the attorney general or county attorney on or before that time.
4. Specify a place for the taking of testimony or for production of a document or object and designate a person who shall be the custodian of the document or object.

D. If a person objects to or otherwise fails to comply with the written investigation demand served on the person pursuant to subsection C, the attorney general or county attorney may file an action in the superior court for an order to enforce the demand. Venue for the action to enforce the demand shall be in Maricopa county or in the county in which the alleged violation occurred. Notice of hearing the action to enforce the demand and a copy of the action shall be served on the person in the same manner as that prescribed in the Arizona rules of civil procedure. If a court finds that the demand is proper, including that the compliance will not violate a privilege and that there is not a conflict of interest on the part of the attorney general or county attorney, that there is reasonable cause to believe there may have been a violation of this article and that the information sought or document or object demanded is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe. If the person fails to comply with the court's order, the court may issue any of the following orders until the person complies with the order:

1. Adjudging the person in contempt of court.
2. Granting injunctive relief against the person to whom the demand is issued to restrain the conduct that is the subject of the investigation.
3. Granting other relief the court deems proper.

38-431.07. Violations; enforcement; civil penalty; removal from office; in camera review

A. Any person affected by an alleged violation of this article, the attorney general or the county attorney for the county in which an alleged violation of this article occurred may commence a suit in the superior court in the county in which the public body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of, this article, by the public body as a whole, or to determine the applicability of this article to matters or legal actions of the public body. The attorney general may also commence a suit in the superior court in the county in which the public body ordinarily meets against an individual member of a public body for a knowing violation of this article, and in such a suit the court may impose a civil penalty against each person who knowingly violates this article or who knowingly aids, agrees to aid or attempts to aid in violating this article and order equitable relief as the court deems appropriate in the circumstances. The court may impose a civil penalty not to exceed five hundred dollars for the second offense and not to exceed two thousand five hundred dollars for the third and subsequent offenses. If the court imposes a civil penalty against an individual member of the public body who knowingly violates this article, the public body may not pay the civil penalty on behalf of, or otherwise reimburse, the individual against whom the civil penalty has been imposed. If the court finds that a person who might otherwise be liable under this subsection objected to the action of the public body and the objection is noted on a public record, the court may choose not to impose a civil penalty on that person. The civil penalties awarded pursuant to this section shall be deposited into the general fund of the public body concerned. The court may also order payment to a successful plaintiff in a suit brought under this section of the plaintiff's reasonable attorney fees, by the defendant state, the political subdivision of the state or the incorporated city or town of which the public body is a part or to which it reports. If the court determines that a public officer with intent to deprive the public of information knowingly violated any provision of this article, the court may remove the public officer from office and shall assess the public officer or a person who knowingly aided, agreed to aid or attempted to aid the public officer in violating this article, or both, with all of the costs and attorney fees awarded to the plaintiff pursuant to this section.

B. A public body shall not expend public monies to employ or retain legal counsel to provide legal services or representation to the public body or any of its officers in any legal action commenced pursuant to any provisions of this article, unless the public body has authority to make the expenditure pursuant to other provisions of law and takes a legal action at a properly noticed open meeting approving the expenditure before incurring any obligation or indebtedness.

C. In any action brought pursuant to this section challenging the validity of an executive session, the court may review in camera the minutes of the executive session, and if the court in its discretion determines that the minutes are relevant and that justice so demands, the court may disclose to the parties or admit in evidence part or all of the minutes.

38-431.08. Exceptions; limitation

A. This article does not apply to:

1. Any judicial proceeding of any court or any political caucus of the legislature.

2. Any conference committee of the legislature, except that all such meetings shall be open to the public.

3. The commissions on appellate and trial court appointments and the commission on judicial qualifications.

4. Good cause exception and central registry exception determinations and hearings conducted by the board of fingerprinting pursuant to sections 41-619.55 and 41-619.57.

B. A hearing held within a prison facility by the board of executive clemency is subject to this article, except that the director of the state department of corrections may:

1. Prohibit, on written findings that are made public within five days of so finding, any person from attending a hearing whose attendance would constitute a serious threat to the life or physical safety of any person or to the safe, secure and orderly operation of the prison.

2. Require a person who attends a hearing to sign an attendance log. If the person is over sixteen years of age, the person shall produce photographic identification that verifies the person's signature.

3. Prevent and prohibit any articles from being taken into a hearing except recording devices and, if the person who attends a hearing is a member of the media, cameras.

4. Require that a person who attends a hearing submit to a reasonable search on entering the facility.

C. The exclusive remedies available to any person who is denied attendance at or removed from a hearing by the director of the state department of corrections in violation of this section shall be those remedies available in section 38-431.07, as against the director only.

D. Either house of the legislature may adopt a rule or procedure pursuant to article IV, part 2, section 8, Constitution of Arizona, to provide an exemption to the notice and agenda requirements of this article or to allow standing or conference committees to meet through technological devices rather than only in person.

#### 38-431.09. Declaration of public policy

A. It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or entity charged with the interpretations of this article shall construe this article in favor of open and public meetings.

B. Notwithstanding subsection A, it is not a violation of this article if a member of a public body expresses an opinion or discusses an issue with the public either at a venue other than at a meeting that is subject to this article, personally, through the media or other form of public broadcast communication or through technological means if:

1. The opinion or discussion is not principally directed at or directly given to another member of the public body.

2. There is no concerted plan to engage in collective deliberation to take legal action.

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Arizona's Attorney General's  
Open Meeting Law (Arizona Agency)  
Handbook

**CHAPTER 7**  
**OPEN MEETINGS**

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## CHAPTER 7

### OPEN MEETINGS

**7.1 Scope of this Chapter.** This Chapter discusses Arizona's Open Meeting Law, A.R.S. §§ 38-431 to -431.09, with particular emphasis on the application of the Open Meeting Law to the day-to-day operations of state officers, bodies, and agencies. This Chapter shall be conspicuously posted on the Secretary of State's website for state public bodies, the city or town clerk for municipal public bodies and the county clerk for all other local public bodies. A.R.S. § 38-431.01(G). Individuals elected or appointed to a public body shall review this Chapter at least one day before taking office. *Id.*

This Chapter does not resolve all issues that may arise under the Open Meeting Law, but rather is intended to serve as a reference for public officials who must comply with the Open Meeting Law. Officials faced with a situation not specifically addressed in this Chapter should consult their legal counsel before proceeding.

#### **7.2 Arizona's Open Meeting Law.**

**7.2.1 History of Arizona's Open Meeting Law.** All fifty states have enacted some type of legislation providing the public with a statutory right to openness in government. In addition, in 1976 the United States Congress enacted the Federal Open Meeting Act, 5 U.S.C. § 552b. Arizona enacted its Open Meeting Law in 1962 and has since amended it several times. For a detailed discussion of the early history of the Open Meeting Law through 1975, see Ariz. Att'y Gen. Op. 75-7.

**7.2.2 Legislative Intent.** The Legislature has repeatedly expressed its intent that the Open Meeting Law be construed to maximize public access to the governmental process. In first enacting the Open Meeting Law in 1962, the Legislature declared that: "It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their official deliberations and proceedings be conducted openly."

In 1978, after a series of court opinions narrowly construing the Open Meeting Law, the Legislature reiterated its policy by adding A.R.S. § 38-431.09(A). That statute now provides:

It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided. Toward this end, any person or

entity charged with the interpretation of this article shall construe any provision of this article in favor of open and public meetings.

A.R.S. § 38-431.09(A).

In keeping with this expressed intent, any uncertainty under the Open Meeting Law should be resolved in favor of openness in government. Any question whether the Open Meeting Law applies to a certain public body likewise should be resolved in favor of applying the law.

### **7.3 Government Bodies Covered by the Open Meeting Law.**

**7.3.1 Generally.** The provisions of the Open Meeting Law apply to all public bodies. A public body is defined in A.R.S. § 38-431(6) as follows:

“Public body” means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of this state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by this state or a political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body. Public body includes all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.

This definition specifically includes public bodies of all political subdivisions. A political subdivision is defined in A.R.S. § 38-431(5) to include "all political subdivisions of this state, including without limitation all counties, cities and towns, school districts and special districts."

The definition encompasses five basic categories of public bodies: 1) boards, commissions, and other multimember governing bodies, including those “established by the Arizona Constitution or by way of ballot initiative;” 2) quasi-governmental corporations; 3) quasi-judicial bodies; 4) advisory committees; and 5) standing and special committees and subcommittees of any of the above. See A.R.S. § 38-431(6).

**7.3.2 Boards and Commissions.** The Open Meeting Law covers all boards and commissions and other multimember governing bodies of the state or its political

subdivisions or of the departments, agencies, institutions, and instrumentalities of the state or its political subdivisions. See A.R.S. § 38-431(6). The multimember governing body must be created by law or by an official act pursuant to some legal authority. See *id.* Examples of public bodies created by law include the Arizona Legislature, county boards of supervisors, city and town councils, school boards, the governing boards of special districts, and all state, county, and municipal licensing and regulatory boards. See, e.g., Ariz. Att’y Gen. Op. 107-001 (Open Meeting Law applies to board appointed by governing bodies of various political subdivisions to administer employee benefits program). Ariz. Att’y Gen. Op. 104-001 (Open Meeting Law applies to joint underwriting association because it’s a multimember governing body created by statute). In addition, the Legislature amended the definition of public body specifically to include “all commissions and other public entities established by the Arizona Constitution or by way of ballot initiative, including the independent redistricting commission, and this article applies except and only to the extent that specific constitutional provisions supersede this article.” A.R.S. § 38-431(6).

The Open Meeting Law applies only to multimember bodies and does not apply to the deliberations and meetings conducted by the single head of an agency. See Ariz. Att’y Gen. Ops. 192-007, 75-7. Accordingly, the director of a department or state agency is not subject to the Open Meeting Law when meeting with staff members to discuss the operations of the department.

**7.3.3 Quasi-Governmental Corporations.** The boards of directors of corporations and instrumentalities of the state or its political subdivisions are subject to the Open Meeting Law when the members of the board are appointed or elected by the state or its political subdivisions. See A.R.S. § 38-431(5), (6). In order to determine whether a quasi-governmental corporation or other entity is an “instrumentality,” and thus a “public body,” under the Open Meeting Law, one should consider the following factors that indicate the degree to which governmental interests dominate the nature of the entity. See Ariz. Att’y Gen. Op. 107-001.

1. The entity's origin (whether it was created by the government or independently of the government). For example, the Open Meeting Law does not apply to a private non-profit hospital association that has a board of directors elected by the electorate of the hospital district. *Prescott Newspapers, Inc. v. Yavapai Cmty. Hosp. Ass'n*, 163 Ariz. 33, 785 P.2d 1221 (App. 1989). See Ariz. Att’y Gen. Op. 107-001.
2. The nature of the function assigned to and performed by the entity, *i.e.*, whether that function is one traditionally associated with government or is one commonly performed by private entities. For example, the board of trustees of a trust formed by several public bodies to administer employee benefit programs on their behalf would have a governmental function that supports a finding that the board is a public body.

3. The scope of authority granted to and exercised by the entity, *i.e.*, whether the entity has authority to make binding governmental decisions or is it limited to making nonbinding recommendations.
4. The nature and level of government financial involvement with the entity.
5. The nature and scope of government control over the entity's operation.
6. The status of the entity's officers and employees, *i.e.*, whether the officers and employees are government officials or government employees.

**7.3.4 Quasi-Judicial Bodies.** The Open Meeting Law defines a quasi-judicial body as "a public body, other than a court of law, possessing the power to hold hearings on disputed matters between a private person and a public agency and to make decisions in the general manner of a court regarding such disputed claims." A.R.S. § 38-431(7). The legislature added this definition in 1978 to reverse the Arizona Supreme Court's decision in *Ariz. Press Club, Inc. v. Ariz. Bd. of Tax Appeals*, 113 Ariz. 545, 558 P.2d 697 (1976), which held that the Open Meeting Law did not apply to bodies conducting quasi-judicial functions, such as license revocation proceedings. See Ariz. Att'y Gen. Op. 78-245. The Arizona Board of Tax Appeals and similar quasi-judicial bodies are now covered by the Open Meeting Law. A.R.S. § 38-431(6), (7).

Contested case proceedings or quasi-judicial or adjudicatory proceedings conducted by public bodies are subject to all of the requirements of the Open Meeting Law. *Rosenberg v. Ariz. Bd. of Regents*, 118 Ariz. 489, 578 P.2d 168 (1978); *City of Flagstaff v. Bleeker*, 123 Ariz. 436, 600 P.2d 49 (App. 1979); Ariz. Att'y Gen. Op. 75-7.

**7.3.5 Advisory Committees.** Advisory committees are subject to all of the requirements of the Open Meeting Law. A.R.S. § 38-431(6). An advisory committee is defined as

any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body.

A.R.S. § 38-431(1).

This definition does not include advisory groups established by the single head of an agency unless they are created pursuant to a statute, city charter, or other provision of law or by an official act pursuant to some legal authority. See Ariz. Att'y Gen. Op. 192-007; Section 7.3.2.

**7.3.6 Special and Standing Committees and Subcommittees.** Special and standing committees and subcommittees of, or appointed by, any of the public bodies described above are also covered by the Open Meeting Law. A.R.S. § 38-431 (6). A special or standing committee may consist of members of the public body who have been appointed by or authorized to act for the public body. A.R.S. § 38-431(6). The fact that a committee consists, in whole or in part, of persons who are not members of the public body does not affect its status as a public body subject to the Open Meeting Law. See Ariz. Att'y Gen. Op. 180-202.

**7.4 Government Bodies and Proceedings Not Covered by the Open Meeting Law.** Certain public bodies need not comply with all or portions of the Open Meeting Law in particular circumstances. This section identifies some of those limited exceptions.

**7.4.1 Judicial Appointment Commissions.** The Commissions on Appellate and Trial Court Appointments and the Commission on Judicial Qualifications are expressly exempt from the Open Meeting Law. A.R.S. § 38-431.08(A)(3).

**7.4.2 Proceedings Before Courts.** The Open Meeting Law does not apply to judicial proceedings of courts within the judicial branch of government. A.R.S. §§ 38-431(7), -431.08(A)(1).

**7.4.3 The Legislature.** Meetings of legislative conference committees must be open to the public; however, the committees are exempted from all other requirements of the Open Meeting Law. A.R.S. § 38-431.08(A)(2). The Open Meeting Law does not apply to the activities of a political caucus of the Legislature. *Id.* § (A)(1); *cf.* Ariz. Att'y Gen. Op. 183-128. The Open Meeting Law permits either house of the Legislature to adopt a rule or procedure exempting itself from the notice and agenda requirements of the Open Meeting Law or to allow standing or conference committees to meet through technological devices rather than in person. A.R.S. § 38-431.08(D).

**7.4.4 Student Disciplinary Proceedings.** Actions concerning the "discipline, suspension or expulsion of a pupil" are not subject to the Open Meeting Law. A.R.S. § 15-843(A). This same statute, however, prescribes the procedures that the school board must follow in handling these matters.

**7.4.5 Insurance Guaranty Fund Boards.** Special meetings of the property and casualty insurance guaranty fund in which the financial condition of any member insurer is discussed are exempt from the Open Meeting Law. A.R.S. § 20-671.

**7.4.6 Hearings Held in Prison Facilities.** Hearings held by the Board of Pardons and Paroles in a prison facility are subject to the Open Meeting Law, but the Director of the State Department of Corrections may prohibit certain individuals from attending such hearings because they pose a serious threat to the safety and security of others or the prison. Other conditions on attendance, such as signing an attendance log and submitting to a reasonable search, may be imposed as well. A.R.S. § 38-431.08(B).

**7.4.7 Board of Fingerprinting.** Good cause exception hearings conducted by the Board of Fingerprinting pursuant to A.R.S. § 41-619.55 are exempt from the Open Meeting Law. A.R.S. § 38-431.08(A)(4).

**7.4.8 Homeowners Associations.** Because they are not governmental "public bodies," homeowners associations are not covered by the Open Meeting Law. Ariz. Att'y Gen. Op. 97-012. They must, however, comply with separate notification requirements. *Id.* Those requirements must be enforced privately because the Attorney General and County Attorneys have no jurisdiction over such matters. For more information on the requirements of homeowners associations, see A.R.S. § 33-1801 *et seq.*

## **7.5 Actions and Activities Covered by the Open Meeting Law.**

**7.5.1 Generally.** All meetings of a public body shall be public, and all persons desiring to attend shall be permitted to attend and listen to the deliberations and proceedings. A.R.S. § 38-431.01(A). All legal action of public bodies shall occur during a public meeting. *Id.* A meeting is defined as "the gathering, in person or through technological devices, of a quorum of the members of a public body at which they discuss, propose or take legal action, including any deliberations by a quorum with respect to that action." A.R.S. § 38-431(4). It does not matter what label is placed on a gathering; it may be called a "work" or "study" session, or the discussion may occur at a social function. Ariz. Att'y Gen. Op. 179-4.

Put simply, all discussions, deliberations, considerations, or consultations among a majority of the members of a public body regarding matters that may foreseeably require final action or a final decision by the governing body, constitute "legal action" and, therefore, must be conducted in a public meeting or executive session in accordance with the Open Meeting Law. Ariz. Att'y Gen. Ops. 75-8, 179-4. See also A.R.S. §§ 38-431.01(A), -431(3) and Ariz. Att'y Gen. Op. 105-004. The key to this inquiry is whether the matter to be discussed may foreseeably require final action. It is difficult to say precisely when this foreseeability test has been met. Each case should be viewed on its own merits with doubts resolved in favor of compliance with the Open Meeting Law. The safest course of action is to assume the Open Meeting Law applies whenever a majority of the body discusses the business of the public body.

"Even if communications on a particular subject between members of a public body do not take place at the same time or place, the communications can nonetheless constitute a 'meeting.'" See *Del Papa v. Bd. of Regents of Univ. and Cmty. Coll. Sys. Of Nev.*, 114 Nev. 388, 393, 956 P.2d 770, 774 (1998) (rejecting the argument that a meeting did not occur because the board members were not together at the same time and place). Accordingly, the definition of meeting was modified by the Arizona Legislature in 2000 to prohibit a quorum of a public body from secretly communicating through technological devices (including, for example, facsimile machines, telephones, texting, and e-mail), and further modified in 2018 in order to provide additional guidance on electronic

communications. The following instances of electronic communication are now expressly considered “meetings” under the Open Meeting Law:

1. “A one-way electronic communication by one member of a public body that is sent to a quorum of the members of a public body and that proposes legal action.”
2. “An exchange of electronic communications among a quorum of the members of a public body that involves a discussion, deliberation or the taking of legal action by the public body concerning a matter likely to come before the public body for action.”

A.R.S. § 38-431(4)(b). If an electronic communication from one member of the public body proposes legal action and is sent to enough members of the public to form a quorum, a violation occurs even if no member of the public body responds to the electronic communication. A.R.S. § 38-431(4)(b)(i). However, other one-way communications, with no further exchanges, are not *per se* violations, and further examination of the facts and circumstances would be necessary to determine if a violation occurred. Ariz. Att’y Gen. Op. I05-004.

While discussion of the public body's business may take place only in a public meeting or an executive session in accordance with the requirements of the Open Meeting Law, the Open Meeting Law does not prohibit a member of a public body from voicing an opinion or discussing an issue with the public either at a venue other than a public meeting of the body, or through media outlets or other public broadcast communications or technological means, so long as the "opinion or discussion is not principally directed at or directly given to another member of the public body," and "there is no concerted plan to engage in collective deliberation to take legal action." A.R.S. § 38-431.09(B); Ariz. Att’y Gen. Op I07-013.

**7.5.2 Circumventing the Open Meeting Law.** Discussions and deliberations (in person or otherwise) between less than a majority of the members of a governing body, violate the Open Meeting Law when used to circumvent the purposes of the Open Meeting Law. See Ariz. Att’y Gen. Op. 75-8; *Town of Palm Beach v. Gradison*, 296 So. 2d 473 (Fla. 1974). Public officials may not circumvent public discussion by splintering the quorum and having separate or serial discussions with a majority of the public body members. Splintering the quorum can be done by meeting in person, by telephone, electronically, or through other means to discuss a topic that has been or later may be presented to the public body for a decision. Public officials should refrain from any activities that may undermine public confidence in the public decision making process established in the Open Meeting Law, including actions that may appear to remove discussions and decisions from public view.

**7.5.3 Applicability to Staff Members and Others.** The Open Meeting Law further provides that members of public bodies shall not knowingly direct any staff member to

communicate in violation of the Open Meeting Law. A.R.S. § 38-431.01(I). People knowingly aiding, agreeing to aid or attempting to aid another person in violating the Open Meeting Law can be liable for civil penalties, attorneys' fees, and costs pursuant to A.R.S. § 38-431.07(A). See Sections 7.13.3 and 7.13.4. Splintering a quorum may also occur when members of a public body share their positions and proposals with other public body members through staff members or other non-members. For example, a staff member who meets with each member individually regarding official business and then shares the comments made by other members would violate the Open Meeting Law. Although a staff member may provide information to members separately (see Ariz. Att'y Gen. Op. 105-004 at 9), that person must be careful not to facilitate a discussion or deliberation by a quorum through sharing information with other members in subsequent meetings.

## **7.6 Notice of Meetings.**

**7.6.1 Generally.** The Open Meeting Law generally requires at least twenty-four hour advance notice of all meetings to the public body and to the general public. A.R.S. § 38-431.02(C). Notice enables members of the public to attend public meetings by informing them of when and where to go, and how to get information regarding the matters under consideration. Arizona courts have emphasized the importance of sufficient notice. The Arizona Court of Appeals explained, "[t]he notice provisions in the open meeting law are obviously designed to give meaningful effect to provisions such as A.R.S. §§ 38-431.01(A) and 38-431.09. The goal of exposing the public decision-making process to the public itself could be significantly, if not totally thwarted, in the absence of mandatory notice provisions and their enforcement." *Carefree Improvement Ass'n v. City of Scottsdale*, 133 Ariz. 106, 111, 649 P.2d 985, 990 (App. 1982).

**7.6.2 Notice to Members of the Public Body.** Notice of all meetings, including executive sessions, must be given to the members of the public body. A.R.S. § 38-431.02(B), (C).

**7.6.3 Notice to the Public.** Notice of all meetings, including executive sessions, must be given to the public. A.R.S. § 38-431.02. Giving public notice is a two-step process. *Id.*

**7.6.3.1 Disclosure Statement.** The first step is for the public body to conspicuously post a disclosure statement identifying the physical and electronic locations where public notices of meetings will be displayed. A.R.S. § 38-431.02(A). See Form 7.1. Public bodies of the State, counties, school districts, and governing bodies of charter schools must post the disclosure statement on their websites. *Id.* § (A)(1)-(2). Special districts governed by Title 48, A.R.S., must post the required disclosure statement on their own website or may file it with the Clerk of the Board of Supervisors. *Id.* § (A)(3). Public bodies of cities and towns must post the required information on their own websites or on the website of an association of towns and cities. *Id.* § (4). The notification location identified in the statement must be a place to which the public has reasonable access.

*Carefree Improvement Ass'n v. City of Scottsdale*, 133 Ariz. 106, 111, 649 P.2d 985, 990 (App. 1982). The location should have normal business hours, should not be geographically isolated, should not have limited access, and should not be difficult to find.

**7.6.3.2 Public Notice of Meetings.** Once the disclosure statement has been filed or posted, the second step is for the public body to give notice of each of its meetings by posting a copy of the notice on its website as well as at the location identified in the disclosure statement. A.R.S. § 38-431.02(A). See Forms 7.2, 7.3, 7.4. Public bodies shall also give "additional public notice as is reasonable and practicable as to all meetings." *Id.* § (A)(1)(a).

If there is a "technological problem or failure that either prevents the posting of public notices on a website or that temporarily or permanently prevents the use of all or part of the website" and all other public notice requirements are met, then the meeting can convene as scheduled. *Id.* § (A)(1)(b). Given the possibility of complaints or litigation in such situations, the public body should document the nature and duration of the technological problem or failure along with an explanation of how it affected the ability of the public body to post proper notice of the public meeting.

In addition to complying with the requirements of the Open Meeting Law, the notice should conform with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 - 12213. See Section 15.27. This may include the addition of a statement such as the following in any notices that the public body issue: "Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name of designated agency contact person] at [telephone number and TDD telephone number]. Requests should be made as early as possible to allow time to arrange the accommodation."

**7.6.4 Contents of the Notice.** Generally, the notice should include information identifying the public body and the date, time, and place of the meeting. See Forms 7.2, 7.3. In identifying the place of the meeting, the notice should specify the street address of the building and the room number or other information identifying the specific room in which the meeting will be held. See Form 7.7 (Sample Notice and Agenda).

In addition, notices of public meetings and notices of executive sessions must contain an agenda of the matters to be considered by the public body at the meeting or information on how the public may obtain a copy of such an agenda. A.R.S. § 38-431.02(G). For a complete discussion of the agenda requirements, see Section 7.7. Notice of a public meeting at which the public body intends to ratify a prior act must contain additional specific information. See Section 7.12; Form 7.12.

**7.6.5 Time for Giving Notice.** As a general rule, a meeting may not be held without giving the required notice at least twenty-four hours before the meeting. A.R.S. § 38-431.02(C). For purposes of the statute, the twenty-four hour period excludes Sundays and holidays. *Id.* Saturdays are included in the period if the public has access to

the physical and electronic posted locations. *Id.* Of course, the best practice is for public bodies to give as much notice as possible. The public body may consider including with the notice a certification by the person responsible for posting the notice that states the time and location that the notice was posted. See Form 7.8 below.

There are three exceptions to the twenty-four hour notice requirement.

First, in the case of an "actual emergency," the meeting may be held upon such shorter notice as is "appropriate to the circumstances." § 38-431.02(D). An actual emergency exists when, due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. See *Carefree Improvement Ass'n v. City of Scottsdale*, 133 Ariz. 106, 113, 649 P.2d 985, 992 (App. 1982). The existence of an actual emergency does not dispense with the need to give twenty-four hours written notice to an employee who is to be discussed in executive session. A.R.S. § 38-431.03(A)(1); Ariz. Att'y Gen. Op. I90-19; see Sections 7.7.9 and 7.9.5.1.

Second, notice of a meeting at which the public body will consider ratifying a prior act taken in violation of the Open Meeting Law must be given seventy-two hours in advance of the meeting. A.R.S. § 38-431.05(B)(4); see Section 7.12.

Finally, less than twenty-four hours notice may be given when a properly noticed meeting is recessed to the next day. A.R.S. § 38-431.02(E). A meeting may be recessed and resumed with less than twenty-four hour notice if public notice of the initial session of the meeting is given and, if before recessing, notice is publicly given as to the time and place of the resumption of the meeting or the method by which notice shall be publicly given. *Id.* Notice of the resumption of a meeting must comply with the agenda requirements respecting the matters to be addressed when resumed. *Id.* § (G). This may be accomplished by the presiding officer of the public body either stating at the meeting the time, place, and agenda of the resumed meeting or stating where a written notice and agenda of the resumed meeting will be posted. If an executive session is to be recessed and resumed with less than twenty-four hour notice, the time, place, and agenda of the resumed meeting should be communicated to the members of the public body and to the public by reconvening in public session and following one of the two steps described above. If the meeting will not reconvene for more than twenty-four hours, a new meeting notice and agenda is recommended.

**7.6.6 Notice of Regular Meetings.** A public body that intends to meet for a specified calendar period on a regular day or date during the calendar period, and at a regular place and time, may post public notice of such meetings at the beginning of such period and need not post additional notices for each meeting. A.R.S. § 38-431.02(F); see Form 7.4. The notice must specify the applicable notice period. *Id.* However, this method of posting notice will not satisfy the agenda requirements unless the notice also contains a clear statement that the agenda for any such meeting will be available at least twenty-four

hours in advance of the meeting and a statement as to where and how the public may obtain a copy of the agenda. A.R.S. § 38-431.02(G).

**7.6.7 Notice of Executive Sessions.** When a public body intends to conduct an executive session, the notice must state the specific provision of law authorizing the executive session. A.R.S. § 38-431.02(B); see Form 7.5. This provision requires that the notice specify the numbered paragraph of subsection (A) of A.R.S. § 38-431.03 that authorizes the executive session. A general citation to A.R.S. § 38-431.03 or subsection (A) of that section is insufficient. For example, a public body intending to meet in executive session for purposes of discussing the purchase or lease of real property must cite in its notice "A.R.S. § 38-431.03(A)(7)." The public body must cite only the paragraphs applicable to the matters to be discussed and cannot issue a standardized form notice that cites all executive session provisions. In addition, an agenda is required for an executive session and must contain only a "general description of the matters to be considered." A.R.S. § 38-431.02(I); see Section 7.7.3.

In the case of an executive session concerning personnel matters, the public body must give written notice to the affected officer, appointee, or employee in addition to the public notice described above. A.R.S. § 38-431.03(A)(1); see Section 7.9.5.1; Form 7.13. Such written notice must be provided not less than twenty-four hours before the scheduled meeting. A.R.S. § 38-431.03(A)(1).

Many public bodies do not know whether they will have any legal questions regarding matters on the agenda until the discussion occurs. The Attorney General previously opined that public bodies may provide with their notices and agendas a statement that matters on the public meeting agenda may be discussed in executive session for the purpose of obtaining legal advice thereon, pursuant to A.R.S. § 38-431.03(A)(3). Ariz. Att'y Gen. Op. I90-19. An example of such a statement is "The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on any matter listed on the agenda pursuant to A.R.S. § 38-431.03(A)(3)." Similar statements are not sufficient for other types of executive sessions. See Section 7.7 for further discussion.

**7.6.8 Maintaining Records of Notice Given.** Best practice provides that each public body keep a record of its notices, including a copy of each notice that was posted and information regarding the date, time, and place of posting. A suggested procedure is to file in the records of the public body a copy of the notice and a certification in a form similar to Form 7.8.

## **7.7 Agendas.**

**7.7.1 Generally.** In addition to notice of the time, date, and place of the meeting, the public body must provide an agenda of the matters to be discussed, considered, or decided at the meeting. A.R.S. § 38-431.02(G).

Although this Section provides guidelines for the preparation of agendas, it does not answer every question that may arise. Specific problems should be discussed with the public body's legal counsel. As a general rule, public bodies should always be mindful of the Legislature's declaration of policy that agendas "contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.09(A). When in doubt, resolve questions in favor of greater disclosure of information.

**7.7.2 Contents of the Agenda -- Public Meeting.** The agenda for a public meeting must contain a listing of the "specific matters to be discussed, considered or decided at the meeting." A.R.S. § 38-431.02(H). This requirement does not permit the use of generic agenda items such as "personnel," "new business," "old business," "reports," or "other matters" unless the specific matters or items to be discussed are separately identified in conjunction with the general terms. See *Thurston v. City of Phoenix*, 157 Ariz. 343, 344, 757 P.2d 619, 620 (App. 1988). The degree of specificity depends on the circumstances. See Form 7.7 (Sample Notice and Agenda). Consider the following examples:

- "Discussion and possible action to approve the application of pesticides within 1/4 mile of a school" if an environmental board is going to consider whether to approve the application of any pesticide within 1/4 mile of a school;
- "Discussion and possible action to remove Pesticide-A from list of approved pesticides" if the environmental board is going to consider removing a specific pesticide from an approved list;
- "Discussion and possible action regarding budget priorities and revisions for upcoming fiscal year" if a board intends to generate and discuss a number of different options for managing its budget;
- "Discussion and possible action regarding elimination of funding from budget for travel reimbursements, computer upgrades, and laptops for board members" if a board intends to only focus on specific options to revise a budget.

If it is likely that the public body will find it necessary to discuss any particular agenda item in executive session with the public body's attorney, the agenda should plainly state so, even if the general notice of executive session for legal advice is on the agenda. For example, the agenda might include a provision stating "The Board may vote to hold an executive session for the purpose of obtaining legal advice from the Board's attorney on the approval of pesticides for application within ¼ mile of a school pursuant to A.R.S. § 38-431.03(A)(3)."

**7.7.3 Contents of the Agenda -- Executive Session.** The agenda for an executive session must contain a "general description of the matters to be considered." A.R.S. § 38-431.02(l). The description must amount to more than just a recital of the statutory provisions authorizing the executive session, but should not contain any information that "would defeat the purpose of the executive session, compromise the legitimate privacy interests of a public officer, appointee or employee or compromise the attorney-client privilege." *Id.*

In preparing executive session agenda items, the public body must weigh the legislative policy favoring public disclosure and the legitimate confidentiality concerns underlying the executive session provision. For example, if a board desires to consider the possible dismissal of its executive director, the board may list on the agenda "Personnel matter - consideration of continued employment of the board's executive director." However, when the public disclosure of the board's consideration of charges against an employee might needlessly harm the employee's reputation or compromise the employee's privacy interests, the board may eliminate from the agenda a description of the identity of the employee being considered, but must still indicate on the agenda that an employee of the public body is the subject of the executive session. If it is already publicly known that the board is considering charges against the employee, disclosure of the employee's identity in the agenda would not defeat the purpose of the executive session.

**7.7.4 Distribution of the Agenda.** The agenda may be made available to the public by including it as part of the public notice or by stating in the public notice how the public may obtain a copy of the agenda and then distributing the agenda in the manner prescribed. A.R.S. § 38-431.02(G); see Forms 7.2 - 7.4, 7.6, 7.7. Because both the public notice and the agenda must be available at least twenty-four hours in advance of a meeting, the simplest procedure is to include the agenda with the public notice. See Form 7.7 (Sample Notice and Agenda). However, when issuing public notice well in advance of a meeting, as in the case of notice of regularly scheduled meetings, see Section 7.6.6, it may be more appropriate to state how the public may obtain a copy of the agenda and distribute it accordingly.

**7.7.5 Consent Agendas.** Public bodies may use "consent agendas" if they meet certain requirements. Consent agendas are typically used as a time-saving device when there are certain items on the agenda which are unlikely to generate controversy and are ministerial in nature. Some examples are approval of travel requests and approval of minutes. Public bodies often take one vote to approve or disapprove the consent agenda as a whole. When using a consent agenda format for some of the items on a meeting agenda, public bodies should fully describe the matters on the agenda and inform the public where more information can be obtained. A good practice is to require the removal of an item from the consent agenda upon the request of any member of the public body. See Form 7.7 (Sample Notice and Agenda).

Public bodies should exercise caution when using consent agendas. The Arizona Supreme Court previously held that taking legal action, taken after an executive session,

must be preceded by a disclosure of "that amount of information sufficient to apprise the public in attendance of the basic subject matter of the action so that the public may scrutinize the action taken during the meeting." *Karol v. Bd. of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979). The Court also condemned the practice of voting on matters designated only by number, thereby effectively hiding actions from public examination. *Id.*

**7.7.6 Discussing and Deciding Matters Not Listed on the Agenda.** The public body may discuss, consider, or decide only those matters listed on the agenda and "other matters related thereto." A.R.S. § 38-431.02(H). The "other matters" clause provides some flexibility to a public body but should be construed narrowly. The "other matters" must in some reasonable manner be "related" to an item specifically listed on the agenda. *Thurston v. City of Phoenix*, 157 Ariz. 343, 344, 757 P.2d 619, 620 (App. 1988).

If a matter not specifically listed on the agenda is brought up during a meeting, the better practice, and the one that will minimize subsequent litigation, is to defer discussion and decision on the matter until a later meeting so that the item can be specifically listed on the agenda. If the matter demands immediate attention and is a true emergency, the public body should consider using the emergency exception described in Section 7.7.9.

However, if action is taken at a meeting on an item not properly noticed, then that particular action violates the Open Meeting Law and is null and void. *Johnson v. Tempe Elementary Sch. Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2001); A.R.S. § 38-431.05(A). The public body may ratify the action pursuant to A.R.S. § 38-431.05(B), although the violation may still subject the public body to the penalties described in A.R.S. § 38-431.07(A). Any other actions that were taken at the meeting and were properly noticed are not void. *Karol v. Bd. of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979); Ariz. Att'y Gen. Op. 108-001.

**7.7.7 Calls to the Public.** A public body may include a call to the public on a meeting agenda. A.R.S. § 38-431.01(H); see also Section 7.10.1 for more discussion on public participation. Should a public body include a call to the public during a public meeting, members of the public body may not discuss or take action on matters raised during the call to the public that are not specifically identified on the agenda. A.R.S. § 38-431.01(H). Individual public body members may, however, respond to criticism made by those who have addressed the public body, ask staff to review a matter, or ask that a matter be put on a future agenda. *Id.*; see also Ariz. Att'y Gen. Op. 199-006.

The best practice is to include language similar to the following on the agenda to explain in advance the reason members of the public body cannot respond to topics brought up during the call to the public that are not on the agenda: "Call to the Public: This is the time for the public to comment. Members of the Board may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to

directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date."

**7.7.8 Current Event Summaries.** The Open Meeting Law allows the chief administrator, presiding officer or a member of a public body to present a brief summary of current events without listing in the agenda the specific matters to be summarized, provided that the summary is listed on the agenda and that the public body does not propose, discuss, deliberate or take legal action at that meeting on any matter in the summary unless the specific matter is properly noticed for legal action. A.R.S. § 38-431.02(K). Thus, the summary of current events consists merely of one of the above-referenced people summarizing recent occurrences without any discussion or feedback from the remainder of the public body. The agenda should specifically list "Summary of Current Events" as an agenda item and identify who will present the summary.

Reports that address matters other than a summary of current events or that are delivered by someone other than a proper official with the public body do not come within the provision authorizing current events summaries and must comply with the agenda requirements of the Open Meeting Law. The only report that can be given without listing the contents of the presentation is the brief summary of current events by the chief administrator, the presiding officer of the Council, or a member under A.R.S. § 38-431.02(K). As to other reports presented to a public body, the agenda must list descriptions of the topics that will be presented and state whether the public body will discuss or take action on such matters. A generic agenda item, such as "Police Department Report," "Fire Department Report," or "Executive Director Report" does not satisfy the requirement that the agenda provide information that is "reasonably necessary to inform the public of the matters to be discussed or decided." A.R.S. § 38-431.02(H). Public bodies should limit the use of the current events summary provision to appropriate situations and should strive to provide as much advance information as possible to the public.

**7.7.9 Emergencies.** A public body may discuss, consider, and decide a matter not on the agenda when an actual emergency exists requiring that the body dispense with the advance notice and agenda requirements. A.R.S. § 38-431.02(D). See Section 7.6.5 for a discussion of what constitutes an actual emergency.

To use the emergency exception, the public body must do several things. First, the public body must give "such notice as is appropriate to the circumstances." A.R.S. § 38-431.02(D). Next, prior to the emergency discussion, consideration, or decision, the public body must announce in a public meeting the reasons necessitating the emergency action. A.R.S. § 38-431.02(J). If the emergency discussion or consideration is to take place in an executive session, this public announcement must occur at a public meeting prior to the executive session. *Id.*

After the emergency exception has been used, "the public body must post a public notice within twenty-four hours declaring that an emergency session has been held," which sets forth the same information required in an agenda for a regular meeting. A.R.S. § 38-431.02(D); see Form 7.9.

Additionally, the public body must place in the minutes of the meeting a statement that sets forth the reasons necessitating the emergency discussion, consideration, or decision. A.R.S. § 38-431.02(J). In the case of an executive session, this statement will appear twice, once in the minutes of the public meeting where the reasons were publicly announced, and again in the minutes of the executive session where the emergency discussion or consideration took place. See Sections 7.8.2(8) and 7.8.3(5).

**7.7.10 Changes to the Agenda.** If a public body finds it necessary to change an agenda by modifying the listed matters or adding new ones, a new agenda must be prepared and distributed in the same manner as the original agenda, at least twenty-four hours in advance of the meeting. Ariz. Att'y Gen. Op. 179-45. Changes in the agenda within twenty-four hours of the meeting may be made only in case of emergency. Ariz. Att'y Gen. Op. 179-192; see Section 7.7.9. However, the public body is not required to discuss or act on an item that appears on the agenda for the meeting and can vote at the meeting to remove agenda items from consideration without violating the Open Meeting Law.

**7.8 Minutes.** Minutes must be taken of all public meetings and executive sessions. A.R.S. § 38-431.01(B)

**7.8.1 Form of and Access to the Minutes.** Minutes may be taken in writing or may be recorded by an audio or video recorder. A.R.S. § 38-431.01(B); see Forms 7.10, 7.11. Written minutes or a recording of a public meeting must be available for public inspection within three working days after the meeting. A.R.S. § 38-431.01(D). Public bodies concerned about distributing minutes before they have been officially approved at a subsequent meeting should mark the minutes "draft" or "unapproved" and make them available within three working days of the meeting. If the minutes have been recorded by an audio or video recorder, allowing the public to have access to that recording is sufficient. However, if the minutes were taken in shorthand, those minutes must be typed or written out in longhand in order to comply with this requirement. See Form 7.10. The minutes of an executive session are confidential and may not be disclosed except to certain authorized persons. A.R.S. § 38-431.03(B); see Section 7.9.4. To ensure confidentiality and avoid inadvertent disclosure, minutes of executive sessions should be stored separately from regular session minutes.

The approved minutes of council meetings for cities or towns with a population of more than 2,500 persons must be posted on the city's website within two working days of their approval. A.R.S. § 38-431.01(E)(2). Minutes must be reduced to a form that is readily accessible to the public. See A.R.S. § 38-431.01(D). Additionally, a public body of a city or a town with a population exceeding 2,500 people shall, within three working days

after any meeting, post on its website a statement showing legal actions taken by the public body or any recordings made during the meeting. A.R.S. § 38-431.01(E)(1). Subcommittees and advisory committees of such public bodies have ten working days after the meeting to post the recording or statement. A.R.S. § 38-431.01(E)(3), (J). Such posted minutes, statements, and recordings shall remain accessible on the website for at least one year after the meeting. *Id.* § (J). In addition, any recordings and minutes are public records subject to record retention requirements.

**7.8.2 Contents of the Minutes of Public Meetings.** The minutes of a public meeting must contain the following information:

1. "The date, time and place of the meeting." A.R.S. § 38-431.01(B)(1).
2. "The members of the public body recorded as either present or absent." *Id.* § (B)(2).
3. "A general description of the matters [discussed or] considered." *Id.* § (B)(3). Minutes must contain information regarding matters considered or discussed at the meeting even though no formal action or vote was taken with respect to the matter. *See id.* § (B)(4). Although the minutes do not need to be a verbatim transcript of the meeting to satisfy this requirement, they must summarize the discussion, including the topics addressed, and identify all speakers who participated in the discussion, including members of the public body.
4. "An accurate description of all legal actions proposed, discussed or taken, including a record of how each member voted." *Id.* Best practice includes roll call votes in most circumstances, as this encourages open government. However, for voice votes, minutes should still include a record of how each member voted, which includes noting abstentions, recusals, or those otherwise not voting. This could be accomplished in several ways. One way of ensuring such a recording would be to follow any voice vote for which no dissent or disagreement was noted with a request that any member who abstained or otherwise did not vote identify themselves; this would ensure the ability to record in detail how each member voted.
5. "[T]he names of the members who propose each motion[.]" *Id.*
6. "[T]he names of the persons, as given, who make statements or present material to the public body and a [specific] reference to the legal action," (see item 4) to which the statement or presentation relates. *Id.*
7. If the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken (such as an action to approve matters on a consent agenda), the minutes of the public meeting at which

such action was taken should contain sufficient information to permit the public to investigate further the background or specific facts of the decision. See Section 7.7.5; *Karol v. Bd. Of Educ. Trustees*, 122 Ariz. 95, 98, 593 P.2d 649, 652 (1979).

8. If matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency. A.R.S. § 38-431.02(J); see Sections 7.6.5 and 7.7.9.
9. If a prior act was ratified, the minutes must contain a copy of the disclosure statement required for ratification. A.R.S. § 38-431.05(B)(3); see Section 7.12.2; Form 7.10.

**7.8.3 Contents of the Minutes of Executive Sessions.** The minutes of executive sessions must remain confidential, except as provided in Section 7.9.4, and must contain the following information:

1. "The date, time and place of the meeting." A.R.S. § 38-431.01(B)(1), (C).
2. "The members of the public body recorded as either present or absent." *Id.* § (B)(2), (C).
3. "A general description of the matters considered." *Id.* § (B)(3), (C); see Section 7.8.2(3). Like the minutes for a public session of the public body, the minutes must summarize the discussion, including the topics addressed, and identify all speakers who participated in the discussion, including members of the public body.
4. An accurate description of all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38-431.03(A)(4), (5) and (7). See Sections 7.9.5.4, 7.9.5.5 and 7.9.5.7.
5. A statement of the reasons for emergency consideration of any matters not on the agenda. See A.R.S. § 38-431.02(J); Section 7.8.2(8).
6. Such other information as the public body deems appropriate. For example, the public body might record in its minutes that those present were advised that the information discussed in the session and the session minutes are confidential. See Form 7.11.

"A party who asserts that a public body violated the open meeting laws has the burden of proving that assertion." *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 205, 76 P.3d 874, 879 (App. 2003). However, Arizona courts have held that once a complainant alleges facts from which a reasonable inference may be

drawn supporting an Open Meeting Law violation, the burden of proof immediately shifts to a public body to prove that an affirmative defense or exception to the Open Meeting Law authorized an allegedly inappropriate executive session. *Fisher v. Maricopa County Stadium Dist.*, 185 Ariz. 116, 122, 912 P.2d 1345, 1351 (App. 1995); *see also Tanque Verde*, 206 Ariz. at 205, 76 P.3d at 881. The best practice is for public bodies to keep an audio or video recording of the executive session or to transcribe the executive session to ensure that they are prepared to meet their burden of proof in the event a complaint is filed.

**7.9 Executive Sessions.** A.R.S. Section 38-431.03 contains an exception to the general requirement that all meetings must be open to the public. That exception is for an executive session, which is defined as "a gathering of a quorum of members of a public body from which the public is excluded for one or more of the reasons prescribed in [A.R.S.] § 38-431.03." A.R.S. § 38-431(2); *see* Sections 7.9.5.1 - 7.9.5.7.

While the Open Meeting Law does permit executive sessions for discussing certain matters, it does not require that these discussions take place in executive session. If public disclosure of the public body's discussion is not prohibited by any other statutory provision and government interests are not threatened, a public body may choose to conduct all of its discussions in a public setting.

**7.9.1 Deciding to Go Into Executive Session.** Before a public body may go into an executive session, proper notice must be provided. *See* Section 7.6.7 for a discussion of the notice required for an executive session; *see also* section 7.7.9. Once the public body is satisfied that notice requirements have been met, a majority of the members constituting a quorum must vote in a public meeting to hold the executive session. A.R.S. § 38-431.03(A). The motion must state the ground(s) for the executive session so that the public understands why the public body is entering executive session. For example, a member of the public body may make the following motion: "I move to enter executive session for the purpose of receiving legal advice on [agenda topic]." Generally, the vote will be taken immediately before going into executive session.

**7.9.2 Executive Session Requirements.** Once the majority of members of a public body votes to hold an executive session, the chairman of the public body should ask the public to leave and to take with them all materials such as briefcases and backpacks to ensure that no recording devices are left in the room. In the alternative, the public body can move to a separate room to conduct the executive session. Only members of the public body and those individuals whose presence is reasonably necessary for the public body to carry out its executive session responsibilities may attend the executive session. A.R.S. § 38-431(2). The chairman should remind all present that the business conducted in executive sessions is confidential pursuant to A.R.S. § 38-431.03(C).

**7.9.3 Taking Legal Action.** In an executive session, the public body may discuss and consider only the specific matters authorized by the statute. These specific authorizations are discussed in Sections 7.9.5.1 – 7.9.5.7. Furthermore, the public body may not take a vote or make a final decision in the executive session, but rather must

reconvene in a public meeting for purposes of taking the binding vote or making final decisions. See A.R.S. § 38-431.03(D). For example, "[a] decision to appeal transcends 'discussion or consultation' and entails a 'commitment' of public funds. Therefore, once [a] Board [has] finished privately discussing the merits of appealing, the open meeting statutes require[] that board members meet in public for the final decision to appeal." *Johnson v. Tempe Elementary Sch. Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2001). Taking a straw poll or informal or preliminary vote in executive session is unlawful under the Open Meeting Law. See A.R.S. § 38-431.03(D). No motion or vote is taken to adjourn the executive session; the chair is responsible for adjourning the executive session and reconvening the public session.

**7.9.4 Confidentiality of Executive Sessions.** The minutes of and discussions that take place during an executive session are confidential under A.R.S. § 38-431.03(B) and may not be disclosed to anyone except the following people:

1. Any member of the public body, regardless of whether he or she attended the executive session. A.R.S. § 38-431.03(B)(1); *Picture Rocks Fire Dist. v. Updike*, 145 Ariz. 79, 81, 699 P.2d 1310, 1312 (App. 1985).
2. Any officer, appointee, or employee who was the subject of discussion at an executive session authorized by A.R.S. § 38-431.03(A)(1) may see those portions of the minutes directly pertaining to them. A.R.S. § 38-431.03(B)(2); see Section 7.9.4.
3. Staff personnel, to the extent necessary for them to prepare and maintain the minutes of the executive session.
4. The attorney for the public body, to the extent necessary for the attorney to represent the public body.
5. The Auditor General in connection with the lawful performance of its duty to audit the finances or performance of the public body. A.R.S. § 38-431.03(B)(3); Ariz. Att'y Gen. Op. 179-130.
6. The Attorney General or County Attorney when investigating alleged violations of the Open Meeting Law. A.R.S. § 38-431.03(B)(4).
7. The court, for purposes of a confidential inspection where an open meeting violation has been alleged. A.R.S. § 38-431.07(C).

The Open Meeting Law requires a public body to advise all persons attending an executive session that such minutes and information are confidential. A.R.S. § 38-431.03(C). Members of a public body and others attending the executive session must ensure that the information remains confidential. In addition to violating the Open Meeting Law, criminal charges may arise from a release of confidential information

from executive session. "A public officer or employee shall not disclose or use, without appropriate authorization, any information that is acquired by the officer or employee in the course of the officer's or employee's official duties and that is declared confidential by law." A.R.S. § 38-504(B). The law designates a knowing or intentional violation of this provision as a Class 6 felony and a reckless or negligent violation as a Class 1 misdemeanor. A.R.S. § 38-510(A). Either type of violation could lead to criminal penalties in addition to forfeiture of office or employment. A.R.S. § 38-510(B).

**7.9.5 Authorized Executive Sessions.** The Open Meeting Law identifies seven specific instances in which a public body may discuss matters in an executive session. A.R.S. § 38-431.03(A); see Sections 7.9.5.1 – 7.9.5.7. In addition, the Legislature may create specific authority for executive sessions in other statutes. See A.R.S. § 38-797.03(B) (authorizing the Arizona State Retirement System Board to hold hearings or to consider administrative law judge decisions involving long term disability benefits in executive session).

Arizona courts have strictly construed the authorized executive session topics because their legislative charge is to "promote openness in government, not to expand exceptions which could be used to obviate the rule." See *Fisher v. Maricopa County Stadium Dist.*, 185 Ariz. 116, 124, 912 P.2d 1345, 1353 (App. 1995). Thus, unless the proposed discussion plainly falls within one of the Open Meeting Law's executive session topics or is specifically authorized by the public body's enabling legislation, discussion should take place only in a public meeting.

**7.9.5.1 Personnel Matters.** The discussion or consideration of employment, assignment, appointment, promotion, demotion, salaries, discipline, resignation, or dismissal of a public officer, appointee, or employee of a public body may take place in an executive session. A.R.S. § 38-431.03(A)(1); *City of Flagstaff v. Bleeker*, 123 Ariz. 436, 438 n.2, 600 P.2d 49, 51 n.2 (App. 1979). This authorization for an executive session applies only to discussions concerning specific officers, appointees, and employees. This provision permits discussion in executive session of applicants for employment or appointment even though the applicants may not be currently employed by the public body. See Ariz. Att'y Gen. Op. 183-050.

If the public body proposes to discuss a personnel matter in an executive session, and the affected officer, appointee, or employee requests that the discussion occur in a public meeting instead, then these discussions must be conducted in a public meeting and not in an executive session. A.R.S. § 38-431.03(A)(1). Accordingly, the Open Meeting Law requires that an officer, appointee, or employee who is the subject of the discussion in executive session must be given advance written notice of the proposed executive session. *Id.* The notice given to the officer, appointee, or employee must describe the matters to be considered by the public body in a manner sufficient to enable the employee to make the initial decision whether to have the matters discussed in a public meeting. *Id.* In addition, the written notice must be given sufficiently in advance of the proposed meeting, and in no event less than twenty-four hours prior to the meeting, to enable the employee to make the

foregoing determination and to prepare an appropriate request for a public meeting. *Id.*; see Ariz. Att'y Gen. Op. 179-49. See also Form 7.13. There is no emergency exception to the requirement that an affected officer, appointee, or employee receive at least twenty-four hours' notice. See Ariz. Att'y Gen. Op. 190-19. However, the public body can discuss personnel matters in a public meeting with less than twenty-four hours' notice if an actual emergency exists. A.R.S. § 38-431.02(D). See Sections 7.6.5 and 7.7.9. There is no requirement to provide advance written notice directly to the affected officer, appointee, or employee when the public body proposes to discuss a personnel matter in a public session and not in an executive session.

Although the public body may *permit* the public officer, appointee, or employee who is the subject of discussion to attend the executive session, the Open Meeting Law does not specify whether that person has the right to attend. Whether he attends or not, the public body must make the minutes of the executive session available to the public officer, appointee, or employee who was the subject of discussion in the executive session. A.R.S. § 38-431.03(B)(2).

A public body may consider several persons for appointment to a position or consider several employees for possible disciplinary action. In such cases, the public body may consider the matter in executive session provided all those being considered are given the required notice. If some, but not all of those given notice request a public meeting, the public body has two options: the public body may limit the public discussion to those persons filing the request and discuss the remaining persons in an executive session; or, because the Open Meeting Law does not require the public body to discuss personnel matters in executive session, the public body may discuss the entire matter in a public meeting.

Public bodies should take care to ensure they limit the scope of executive sessions for personnel discussions to true personnel matters. The Attorney General opined that the Open Meeting Law prohibits public bodies from conducting in executive sessions lengthy information gathering meetings that explore the operation of public programs under the guise of conducting a personnel evaluation. Only the actual evaluation - discussion or consideration of the performance of the employee - may take place in an executive session. See Ariz. Att'y Gen. Op. 196-012. A public body wishing to discuss or consider an employee's evaluation in executive session, pursuant to A.R.S. § 38-431.03(A)(1), should adopt a bifurcated process permitting the public body to gather information about public programs at a public meeting, while allowing the public body to enter executive session to discuss or consider the actual evaluation. Ariz. Att'y Gen. Op. 196-012.

Similarly, a public body may not discuss a class of persons in executive session under the Personnel Matters provision. For instance, a public body may not use this executive session provision to discuss a potential reduction in force. Each employee who will be discussed in executive session must get the notice as required by A.R.S. § 38-431.03(A)(1).

**7.9.5.2 Confidential Records.** An executive session may be held when the public body considers or discusses "records exempt by law from public inspection." A.R.S. § 38-431.03(A)(2). This specifically includes situations in which the public body receives or discusses "information or testimony that is specifically required to be maintained as confidential by state or federal law." *Id.* This provision allows the use of an executive session whenever the public body intends to discuss or consider matters contained in records that are confidential by law. See Ariz. Att'y Gen. Ops. 190-058, 187-131. However, when confidential matters can be adequately safeguarded, the discussion may take place during a public meeting. *Cf.* Ariz. Att'y Gen. Op. 187-038 (medical records).

The record under consideration need not be expressly made confidential by statute, but rather may fall within the category of confidential records discussed in Chapter 6 of this handbook. For example, to preserve confidentiality, preliminary audit reports of state agencies prepared by the Auditor General are confidential and should be discussed by the public body in executive session. Ariz. Att'y Gen. Op. 180-035. Similarly, complaints against licensees investigated by a public body may be discussed in executive session. Ariz. Att'y Gen. Op. 183-006. In 2000, the Legislature revised the statute to allow public bodies to take testimony in executive sessions in certain situations. Public bodies should ensure that state or federal law requires that the public body maintain confidentiality of the information it receives before convening an executive session under A.R.S. § 38-431.03(A)(2). Written materials, however, do not become confidential merely because they are discussed in executive session.

**7.9.5.3 Legal Advice.** A public body may also go into executive session for the purposes of "discussion or consultation for legal advice with the attorney or attorneys of the public body." A.R.S. § 38-431.03(A)(3). For this exemption to apply, the attorney giving the legal advice must be the attorney for the public body. *Id.* For purposes of this discussion, the "attorney for the public body" means a licensed attorney representing the public body, whether that attorney is a full-time employee of the body, the attorney general or county, city, or town attorney responsible for representing the public body, an attorney hired on contract, or an attorney provided by an insurance carrier to represent the public body.

This provision authorizes consultations between a public body and its attorney. Accordingly, the only persons allowed to attend this executive session are the members of the public body, the public body's attorney, and those employees and agents of both whose presence is necessary to obtain the legal advice. See A.R.S. § 38-431(2). An attorney may attend in person or through other telecommunications technology, such as by telephone or video-conferencing. The mere presence of an attorney of the public body in the meeting room is not sufficient to justify the use of this executive session provision. *City of Prescott v. Town of Chino Valley*, 166 Ariz. 480, 485, 803 P.2d 891, 896 (1990). This provision can only be used for the purpose of obtaining "legal advice," which involves the exchange of communications between lawyer and client. Once the public body obtains the legal advice, the public body must go back into public session unless another executive

session provision applies and has been identified in the notice and motion for executive session. See *Id.* at 486, 803 P.2d at 897. Discussion between the members of the public body about what action should be taken is beyond the realm of legal advice, and such discussions must be held in public session.

**7.9.5.4 Litigation, Contract Negotiations, and Settlement Discussions.** A public body may hold an executive session for the purpose of "[d]iscussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation." A.R.S. § 38-431.03(A)(4). This provision allows consideration and instruction only—it does *not* allow a public body to conduct contract negotiations or settlement discussions in an executive session.

This provision is unique in that it permits a public body to give its attorneys instructions on how they should proceed in contract negotiations, pending or contemplated litigation involving the public body, and settlement discussions. In these limited situations, the public body must be able to discuss and arrive at some consensus on its position before it instructs its legal counsel. Executive session minutes must contain an accurate description of all instructions given. A.R.S. § 38-431.01(C). For example, the public body might authorize its attorney to settle a lawsuit on the most favorable terms possible up to a certain amount. Of course, if the attorney were to obtain an agreed settlement, the public body must formally approve it at a public meeting.

If legal action is necessary by the public body before its representative can take the directed action, the public body must vote on the matter in public session and cannot do so in executive session. See *Johnson v. Tempe Elementary School Dist. No. 3 Governing Bd.*, 199 Ariz. 567, 570, 20 P.3d 1148, 1151 (App. 2000) (concluding that Board was required to vote in public session to authorize attorney to file notice of appeal). In order to preserve the confidentiality afforded by the Open Meeting Law, the best practice is for the public body, upon return to the open session, to vote to authorize its attorney to "proceed as instructed in the executive session." The public body should provide more information when it is possible to do so without risking the confidentiality of the matter (such as instructing an attorney to file an appeal). For example, the public body could move for its attorney "to file a notice of appeal on the grounds specified in executive session" or "to make an offer for settlement of the claim in Case X within the parameters specified in executive session." The public body should consult with legal counsel to determine the specificity required in such motions.

Like the provision that allows legal advice to be given in executive session, this provision requires that the attorney of the public body be present at the executive session. The attorney may attend in person or through other telecommunications technology, such as by telephone or video-conferencing. Similarly, the discussion in Section 7.9.5.3 of the definition of "attorney for the public body" also applies to this Section.

**7.9.5.5 Discussions with Designated Representatives Regarding Salary Negotiations.** A public body may hold an executive session for the purpose of "[d]iscussions or consultations with designated representatives of the public body in order to consider its position and instruct its representatives regarding negotiations with employee organizations regarding the salaries, salary schedules or compensation paid in the form of fringe benefits of employees of the public body." A.R.S. § 38-431.03(A)(5). This provision permits a public body, in executive session, to consult and discuss with its representatives its position on negotiating salaries or compensation paid in the form of fringe benefits and to instruct representatives on how they should deal with the employee organizations. It does not authorize an executive session for purposes of meeting with the employees' representative. If the public body or any standing, special, or advisory committee or subcommittee of the public body conducts the negotiations, those negotiations must be conducted in a public meeting.

This provision also allows the public body to "instruct" its representatives. The discussion in Section 7.9.5.4 of the practice of confirming instructions in public session and the minute-taking requirements applies with equal force to this Section.

**7.9.5.6 International, Interstate, and Tribal Negotiations.** A public body may go into executive session for the purpose of "[d]iscussion, consultation, or consideration for international and interstate negotiations." A.R.S. § 38-431.03(A)(6). This provision does not apply to meetings at which the public body receives recommendations from representatives of federal agencies. Ariz. Att'y Gen. Op. 180-159.

This provision also permits a city or town, or its designated representatives, to enter into executive session with "members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town." A.R.S. § 38-431.03(A)(6). This is the only type of executive session in which negotiations with another party can take place.

**7.9.5.7 Purchase, Sale or Lease of Real Property.** A public body may meet in executive session to discuss and consult with its representatives concerning negotiations for the purchase, sale, or lease of real property. A.R.S. § 38-431.03(A)(7). This provision does not authorize an executive session for the purpose of meeting with representatives of the party with whom the public body is negotiating. For example, a school district violates open meeting laws by choosing a site for a proposed high school in executive session. *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 208, 76 P.3d 874, 882 (App. 2003). This provision permits the public body to instruct its representatives regarding the purchase, sale or lease of real property. For example, the public body can authorize its representative to negotiate up to a certain amount. Of course, the final contract must be approved by the public body in a public meeting.

This provision also allows the public body to "instruct" its representatives. The discussion in Section 7.9.5.4 of the practice of confirming instructions in public session and the minute-taking requirements also applies to this Section.

## **7.10 Public Participation and Access to Meetings.**

**7.10.1 Public Participation.** While the public must be allowed to attend and listen to deliberations and proceedings taking place in all public meetings, A.R.S. § 38-431.01(A), the Open Meeting Law does not establish a right for the public to participate in the discussion or in the ultimate decision of the public body. Ariz. Att'y Gen. Op. 78-1. Other statutes may, however, require public participation or public hearings. For example, before promulgating rules, state agencies must permit public participation in the rule making process, including the opportunity to present oral or written statements on the proposed rule. See Chapter 11. See *also* Section 7.7.7 for a discussion of the authorization (but not requirement) for public bodies to use an open call to the public.

The Open Meeting Law does not prevent a public body from requiring persons who intend to speak at the meeting to sign a register so as to permit the public body to comply with the minute-taking requirements. See Section 7.8.2(6).

**7.10.2 Public Access.** The public body must provide public access to public meetings. See A.R.S. § 38-431.01(A). This requirement is not met if the public body uses any procedure or device that obstructs or inhibits public attendance at public meetings, such as holding the meeting in a geographically isolated location, in a room too small to accommodate the reasonably anticipated number of observers, in a place to which the public does not have access, such as private clubs, or at an unreasonable time. Relatedly, the public body must ensure that the public can observe and listen to the full contours of public meetings. For example, a public meeting in which the public cannot hear discussions by members of the public body because of the low volume of the microphone or speaker systems would likely violate the Open Meeting Law.

"All or any part of a public meeting . . . may be recorded by any person in attendance by means of a tape recorder or camera or other means of sonic reproduction." A.R.S. § 38-431.01(F). A public body may prohibit or restrict such recordings only if they actively interfere with the conduct of the meeting. *Id.*

In addition to complying with the Open Meeting Law, the notice and accommodations should conform with the provisions of the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101 - 12213. See Section 15.27; see *also* section 7.6.3.2 (notice requirements relating to reasonable accommodations).

**7.10.3 Remote Conferencing.** If members of a public body are unable to be present in person at a public meeting, they may participate by telephone or video or internet conference if the practice is not prohibited by statutes applicable to meetings of the public body. Ariz. Att'y Gen. Ops. I08-008, I91-033, I83-135. In addition, nothing prohibits the public body from allowing people to attend meetings or to address the public body by telephone or through other telecommunications technology. See A.R.S. § 38-431(4). In order to comply with the requirements of the Open Meeting Law, the members of the public

body and the public must be able to hear the member of the public body that is attending by telephone or other technological device. The public body must also ensure that the members attending by telephone or other technological device can hear any discussion from the public body and other persons making statements to the body.

A public body should consider the following guidelines to minimize any difficulties arising from remote conferencing.

1. Notify the public body and the public by including a statement on the notice and the agenda that one or more members of the public body may participate by telephonic, video or internet communications. In the appropriate notice, insert the following after the first sentence: "Members of the [name of public body] may attend either in person or by telephone, video or internet conferencing."
2. Ensure that the public meeting place where the public body normally meets has facilities that permit the public to observe and hear all telephone, video or online communications.
3. Develop procedures to clearly identify members that are participating by telephonic, video or internet communications.
4. Identify in the minutes of the meeting the members who participated by telephonic or video communications.

**7.11 Quorum.** Arizona statutes generally define a quorum as a majority of the members of a board or commission. A.R.S. § 1-216(B). In applying the Open Meeting Law, this definition applies in the absence of a more specific definition.

**7.12 Ratification.** A public body may ratify action previously taken in violation of the Open Meeting Law. See A.R.S. § 38-431.05(B). Ratification is appropriate when the public body needs to retroactively validate a prior act in order to preserve the earlier effective date of the action. For example, a public body may be required by law to approve its budget by a certain date. If the public body discovered after the statutory deadline that its earlier approval violated the Open Meeting Law, it could face serious legal problems. Even if the body met quickly to properly approve the budget, the approval would not have been made prior to the statutory deadline. Accordingly, the 1982 amendments permit the public body to meet and approve retroactively the action previously taken—that is, to ratify its prior action.

#### **7.12.1 Generally.**

Ratification must take place “within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.” A.R.S. § 38-431.05(B)(1). This can be triggered in different ways. A judicial determination

that the public body took legal action in violation of public meeting laws triggers the thirty-day period. *Tanque Verde Unified Sch. Dist. No. 13 of Pima County v. Bernini*, 206 Ariz. 200, 208-210, 76 P.3d 874, 882-884 (App. 2003). However, it is not triggered by letters from attorneys notifying the board of their intent to challenge the legal action or by filing a lawsuit. *Id.* at 209, 76 P.3d at 883.

Ratification merely validates the prior action; it does not eliminate liability of the public body or others for sanctions under the Open Meeting Law, such as civil penalties and attorney's fees. Moreover, ratification under the Open Meeting Law may well fail to resolve other notice failure. For example, ratification under the Open Meeting Law may not resolve the specific notice requirements of a zoning or taxation statute.

A public body can take the same legal action at a subsequent properly noticed public meeting without following the ratification procedure, but the action will not have the earlier effective date. See *Cooper v. Arizona Western Coll. Dist. Governing Bd.*, 125 Ariz. 463, 468-469, 610 P.2d 465, 470-71 (App. 1980) (“We find no provision in the Arizona statutes relating to public meetings which precludes a public body from adopting at a subsequent public meeting action which was legally ineffective from a previous meeting of the public body.”)

**7.12.2 Procedure for Ratification.** The Open Meeting Law provides the following detailed procedure for ratification under A.R.S. § 38-431.05(B):

1. The decision to ratify must take place at a public meeting held in accordance with the Open Meeting Law.
2. Ratification must take place within thirty days after discovery of the violation or after such discovery should have been made by the exercise of reasonable diligence.
3. The public notice of the meeting at which ratification is to take place, in addition to complying with the other requirements of the Open Meeting Law, see Sections 7.6 and 7.7, must include (a) a description of the action to be ratified, (b) a clear statement that the public body proposes to ratify a prior action, and (c) information on how the public may obtain a written description of the action to be ratified. See Form 7.12.
4. In addition to the notice and agenda of the meeting, the public body must make available to the public a detailed written description of the action to be ratified and a description of all prior deliberations, consultations, and decisions by members of the public body related to the action to be ratified.
5. The description required under paragraph 4 must be included as part of the minutes of the meeting at which the decision to ratify was made.

6. The public notice, agenda, and written description discussed in paragraphs 3 and 4 must be made available to the public at least seventy-two hours prior to the public meeting.

### **7.13 Sanctions for Violations of the Open Meeting Law.**

**7.13.1 Nullification.** All legal action transacted by any public body during a meeting held in violation of any provision of the Open Meeting Law is null and void unless subsequently ratified. A.R.S. § 38-431.05(A). The procedures for ratification are described in Section 7.12.2. However, the Open Meeting Law does not render null and void all legal action taken at a meeting at which a violation occurs with respect to a single improperly noticed agenda item. Ariz. Att'y Gen. Op. I08-001.

The Arizona Supreme Court, however, has held that legal actions taken in violation of the Open Meeting Law are voidable at the discretion of the court. *Karol v. Bd. Of Educ. Trustees*, 122 Ariz. 95, 97, 593 P.2d 649, 651 (1979). In *Karol*, the court held that "a technical violation having no demonstrated prejudicial effect on the complaining party does not nullify all the business in a public meeting when to conclude otherwise would be inequitable, so long as the meeting complies with the intent of the legislature." *Id.* at 98, 593 P.2d at 652. This decision imposes a substantial compliance test and requires a weighing of the equities before a court will declare an action void. The decision, however, preceded the 1982 amendment to the Open Meeting Law which specifically authorized a procedure for ratification. It remains to be seen whether this change will cause the court to follow the literal language of the Open Meeting Law. Nevertheless, serious consequences flow from having an action of a public body declared void, and the public body should take every precaution to avoid even technical violations of the Open Meeting Law.

In some cases, the public body may have discussed a matter at an unlawful meeting, but thereafter met in a lawful open meeting at which it took a formal vote as its "final action." The Arizona Court of Appeals has held that the subsequent final action taken at a lawful meeting is not void. *Cooper v. Arizona Western Coll. Dist. Governing Bd.*, 125 Ariz. 463, 468-469, 610 P.2d 465, 470-71 (App. 1980); *Valencia v. Cota*, 126 Ariz. 555, 617 P.2d 63 (App. 1980). The public body taking the final action at the subsequent lawful meeting should make available at that time the substance of all discussions that took place at the earlier unlawful meeting. If the public body wishes to preserve the effective date of the earlier action rather than simply redecide the matter, it must go through the ratification process. See Section 7.12.

**7.13.2 Investigation and Enforcement.** The 2000 Legislature enacted substantial revisions to the Open Meeting Law, including extensive changes to the investigation and enforcement provisions. The Attorney General and County Attorneys are authorized to investigate alleged Open Meeting Law violations and enforce the Open Meeting Law. A.R.S. § 38-431.06.

The Open Meeting Law specifically provides that the Attorney General and County Attorneys shall have access to executive session minutes when they are investigating alleged violations of the Open Meeting Law. A.R.S. § 38-431.03(B)(4). The Open Meeting Law also provides that disclosure of executive session information (such as disclosure to the Attorney General) does not constitute a waiver of the attorney-client privilege and directs courts reviewing executive session information to protect privileged information. *Id.* § (F).

The investigative authority of the Attorney General and County Attorneys was strengthened by the 2000 Legislature. The Attorney General and County Attorneys may issue written investigative demands to any person, administer oaths or affirmations to any person for the purpose of taking testimony, conduct examinations under oath, examine accounts, books, computers, documents, minutes, papers and recordings, and require people to file written statements, under oath, of all the facts and circumstances requested by the Attorney General or County Attorney. A.R.S. § 38-431.06(B). If a person fails to comply with a civil investigative demand, the Attorney General or County Attorney may seek enforcement of the demand in Superior Court.

“Any person affected by an alleged violation of [the Open Meeting Law], the Attorney General or the County Attorney for the county in which the alleged violation ... occurred,” may file suit in superior court against a public body as a whole to require compliance with or prevent violations of the Open Meeting Law or to determine whether the law is applicable to certain matters or legal actions of the public body. A.R.S. § 38-431.07.

Additionally, when the provisions of the Open Meeting Law have been violated, a court of competent jurisdiction may issue a writ of mandamus requiring a meeting to be open to the public. A.R.S. § 38-431.04. A writ of mandamus is an order of the court compelling a public officer to comply with certain mandatory responsibilities imposed by law.

In 2007, in an effort to increase government awareness and provide the citizens of Arizona an effective and efficient means to get answers and resolve public access disputes, legislation expanded the Arizona Ombudsman-Citizens' Aide Office to provide free services to citizens and public officials regarding public access issues. The duties of the Ombudsman include: preparing materials on public access laws, training public officials, coaching, assisting and educating citizens, investigating complaints, requesting testimony or evidence, conducting hearings, making recommendations, and reporting misconduct. A.R.S. § 41-1376.01.

**7.13.3 Civil Penalties.** In addition to suits brought in order to require compliance with, prevent violations of, or determine the applicability of the Open Meeting Law, “[t]he attorney general may also commence a suit . . . against an individual member of a public body for a knowing violation of [the Open Meeting Law].” A.R.S. § 38-431.07(A). In such a suit, the court may impose a civil penalty not exceeding five hundred dollars for a second offense, and not exceeding two thousand five hundred dollars for third or subsequent offenses against each person who knowingly violates the Open Meeting Law. *Id.* This

penalty can also be assessed against a person who knowingly aids, agrees to aid or attempts to aid in violating the Open Meeting Law. *Id.* This penalty is assessed against the individual and not the public body, and the public body may not pay the penalty on behalf of, or otherwise reimburse, the person assessed. *Id.* If a "person who might otherwise be liable under [the Open Meeting Law] objected to the action of the public body and the objection is noted on a public record, the court may choose not to impose a civil penalty on that person." *Id.*

**7.13.4 Attorney's Fees.** The court may also order payment of reasonable attorney's fees to a successful plaintiff in an enforcement action brought under the Open Meeting Law. A.R.S. § 38-431.07(A). Normally those fees will be paid by the state or political subdivision of which the public body is a part or to which it reports. *Id.* However, if the court determines that a public officer knowingly violated the Open Meeting Law "with intent to deprive the public of information," the court must assess all of the costs and attorney's fees awarded to the plaintiff against that public officer or the person who knowingly aided, agreed to aid or attempted to aid the public officer in violating the Open Meeting Law. *Id.* As in the case of an award of civil penalties, the public body may not pay such an award of attorney's fees assessed against the public officer individually. *See id.*

**7.13.5 Expenditure for Legal Services by Public Body Relating to the Open Meeting Law.** A public body may not retain counsel or expend monies for legal services to defend an action brought under the Open Meeting Law unless the public body has legal authority to make such an expenditure pursuant to other provisions of law and it approves the expenditure at a properly noticed open meeting prior to incurring the obligation. A.R.S. § 38-431.07(B).

**7.13.6 Removal From Office.** If the court determines that a public officer knowingly violated the Open Meeting Law "with intent to deprive the public of information," the court may remove the public officer from office. A.R.S. § 38-431.07(A).

**Form 7.1**

**Disclosure Statement**

**Section 7.6.3.1**

**STATEMENT OF LOCATIONS WHERE ALL NOTICES OF THE MEETINGS  
OF THE [NAME OF PUBLIC BODY] WILL BE POSTED**

Pursuant to A.R.S. § 38-431.02, the [name of public body] hereby states that all notices of the meetings of the [name of public body] and any of its committees and subcommittees will be posted [identify the location where notices will be posted and include the hours during which such locations are open to the public, for example, "in the lobby of the State Capitol located at 1700 West Washington, Phoenix, Arizona, and at the press room of the State Senate Building, 1700 West Washington, Phoenix, Arizona. Both locations are open to the public Monday through Friday from 8:00 a.m. to 5:00 p.m. except legal holidays."] Such notices will indicate the date, time, and place of the meeting and will include an agenda or information concerning the manner in which the public may obtain an agenda for the meeting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

**Form 7.2**

**Notice of Public Meeting of a Public Body**

**Sections 7.6.3, 7.7.4, 7.10.1**

**NOTICE OF PUBLIC MEETING OF THE  
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.3**

**Notice of Public Meeting of a Subcommittee or Advisory Committee of a Public Body**

**Sections 7.6.3, 7.10.1**

**NOTICE OF MEETING OF THE [NAME OF SUBCOMMITTEE OR ADVISORY COMMITTEE] OF THE [NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of committee] of the [name of public body] and to the general public that the [name of committee] of the [name of public body] will hold a meeting open to the public on the [date, time, and exact location].

The agenda for the meeting is as follows:

[List the specific matters to be discussed, considered or decided. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.4**

**Notice of Regular Meetings of a Public Body**

**Sections 7.6.3, 7.6.6, 7.7.4, and 7.10.1**

**NOTICE OF REGULAR MEETINGS OF THE  
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02(F), notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold regular meetings on the [specific day of month] of each month during the year [year]. The meetings will begin at [time] and will be held at [exact location].

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.5**

**Notice of Meeting and Possible Executive Session of a Public Body**

**Sections 7.6.8 and 7.10.1**

**NOTICE OF MEETING AND POSSIBLE EXECUTIVE SESSION OF THE  
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location] for the purpose of deciding whether to go into executive session. If authorized by a majority vote of the [name of public body], the executive session will be held immediately after the vote and will not be open to the public.

The agenda for the meeting is as follows:

[Include a general description of the matters to be discussed or considered, but exclude information that would defeat the purpose of the executive session. See Form 7.7 (Sample Notice and Agenda)]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

This executive session is authorized under A.R.S. § 38-431.03, Subsection (A), paragraph [list applicable provision].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.6**

**Notice of Combined Public Meeting and Executive Session**

**Sections 7.6.8, 7.7.4, and 7.10.1**

**NOTICE OF COMBINED PUBLIC MEETING AND EXECUTIVE SESSION OF  
[NAME OF PUBLIC BODY]**

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location]. As indicated in the agenda, pursuant to A.R.S. § 38-431.03(A) [specific paragraph that justifies the executive session], the [name of public body] may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

[List the specific matter to be discussed, considered, or decided. See Form 7.7 (Sample Notice and Agenda). Identify those matters that may be discussed or considered in executive session and identify the paragraph of A.R.S. § 38 -431.03(A) authorizing the executive session, but exclude information that would defeat the purpose of the executive session.]

[OR]

A copy of the agenda for the meeting will be available at [location where the agenda will be available] at least twenty-four hours in advance of the meeting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

## Form 7.7

### Sample Notice and Agenda of Public Meeting and Executive Session

#### Sections 7.6.4, 7.6.8, 7.7.2, 7.7.4, and 7.10.1

### NOTICE AND AGENDA OF MEETING OF THE ARIZONA COMMISSION ON THE ENVIRONMENT

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the members of the Arizona Commission on the Environment and to the general public that the Arizona Commission on the Environment will hold a meeting open to the public on January 21, 2000, beginning at 8:30 a.m. in Room 201, Health Building, 1740 West Adams, Phoenix, Arizona. As indicated in the following agenda, the Arizona Commission on the Environment may vote to go into executive session, which will not be open to the public, to discuss certain matters.

The agenda for the meeting is as follows:

- I. Call to Order. (Chairman Smith)
- II. Approval of Minutes of October 19, 1999 Meeting.
- III. Committee Reports. (Oral reports of the following committees and discussion thereon.)
  1. Computer Committee. Report by the chair of the Commission's Advisory Committee on proposals for acquiring a new computer system for the Commission.
- IV. Personnel.
  1. Consideration of applicants for Director of the Commission. The Commission may vote to discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(1). The names of the applicants may be obtained by contacting the Commission's Executive Secretary.
  2. Selection of Director of the Commission. The Commission may defer a decision on this matter to a later date.
- V. Litigation.
  1. *State v. Acme Polluters*. Discussion and decision concerning possible settlement. The Commission may vote to discuss this matter with the Commission's attorneys in executive session pursuant to

A.R.S. § 38-431.03(A)(3) and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.

2. Instituting Litigation. Discussion with and instruction to the Commission's attorneys concerning the filing of an enforcement action against The Brown Corporation. The Commission may discuss this matter in executive session pursuant to A.R.S. § 38-431.03(A)(2), (3), and (4). The Commission may decide the matter in the public meeting or defer decision to a later date.

VI. Consent Agenda.

Approval of routine warrants, purchase orders, travel claims, employee leave and transfer requests, and employee resignations. (Documentation concerning the matters on the consent agenda may be reviewed at the Commission's office.) Any matter on the Consent Agenda will be removed from the Consent Agenda and discussed as a regular agenda item upon the request of any Commission member.

1. Approval of purchase order numbers 1204, 1205, and 1206 for purchase of computer equipment.
2. Approval of travel claims for employees John Q. Smith and Mary M. McGee.
3. Approval of resignation of Daniel Warren and resolution to thank Daniel Warren for ten years of service.

VII. Call to the Public.

This is the time for the public to comment. Members of the Board may not discuss items that are not on the agenda. Therefore, action taken as a result of public comment will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

VIII. Summary of Current Events.

The chief administrator, presiding officer or a member of the board may present a brief summary of current events pursuant to A.R.S. § 38-431.02(K). The Board will not discuss or take action on any current event summary.

IX. Future Meeting Dates and Items for Future Agendas.

The Board may discuss future dates for meetings and direct staff to place matters on future agendas.

A copy of the agenda background material provided to Commission members (with the exception of material relating to possible executive sessions) is available for

public inspection at the Commission's office, Room 402, Health Building, 1740 West Adams, Phoenix, Arizona.

Dated this 7th day of January, 2000.

ARIZONA COMMISSION ON THE ENVIRONMENT

Chris Jones  
Executive Secretary

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.8**

**Certification of Posting of Notice**

**Section 7.6.9**

**CERTIFICATION OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the attached notice was duly posted at [place] on [date and time] in accordance with the statement filed by the [name of public body].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name and title of person signing the certificate]

**Form 7.9**

**Special Notice of Emergency Meeting**

**Section 7.7.9**

**SPECIAL NOTICE OF AN EMERGENCY MEETING OF  
[NAME OF PUBLIC BODY] HELD [DATE]**

Pursuant to A.R.S. § 38-431.02(D), notice is hereby given that an emergency session of the [name of public body] was held on [date, time, and exact location].

At the emergency session the [name of public body] [describe the specific matters discussed, considered, or decided, or in the case of matters considered in an emergency executive session, a general description of the matters considered, provided that no information is included that would defeat the purpose of the executive session].

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

**Form 7.10**

**Minutes of Public Meeting**

**Sections 7.8.1 and 7.8.2**

**MINUTES OF PUBLIC MEETING OF THE  
[NAME OF PUBLIC BODY] OF MEETING HELD [DATE]**

A public meeting of the [name of public body] was convened on [date, time, and exact location]. Present at the meeting were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. The following matters were discussed, considered, and decided at the meeting:

1. [Generally describe all matters discussed or considered by the public body.]
2. [Describe accurately all legal actions proposed, discussed, or taken, the names of persons who proposed each motion, and a record of how each member voted].
3. [Identify each person making statements or presenting material to the public body, making specific reference to the legal action about which they made statements or presented material.]
4. [Other required information. See Section 7.8.2(7), (8), (9).]

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

**Form 7.11**

**Minutes of Executive Session**

**Sections 7.8.1, 7.8.3**

**MINUTES OF EXECUTIVE SESSION OF THE  
[NAME OF PUBLIC BODY] HELD [DATE]**

An executive session of the [name of public body] was convened on [date, time, and exact location]. The [name of public body] voted to go into executive session at a public meeting on [date, time, and exact location]. Present at the executive session were the following members of the [name of public body]: [names of members present]. Absent were: [names of members absent]. Also attending the executive session were: [names of those present including the reasons for their presence, for example, attorney for the public body, etc.]

The following matters were discussed and considered at the meeting:

1. [Generally describe the matters discussed or considered by the public body.]
2. [Describe all instructions given to attorneys or designated representatives pursuant to A.R.S. § 38-431.03(A)(4), (5) and (7).]
3. [If the executive session is held as an emergency session, include the statement of reasons for the emergency consideration. See Section 7.8.2(7).]
4. [Include such other information as the public body deems appropriate, including information necessary to establish that executive session was proper and appropriate. See Section 7.8.3(5).]

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

**Form 7.12**

**Notice of Action to be Ratified**

**Sections 7.6.4, 7.10.1, and 7.12.2**

**NOTICE OF PUBLIC MEETING OF THE [NAME OF PUBLIC BODY]  
FOR THE PURPOSE OF RATIFYING PAST ACTION TAKEN  
IN VIOLATION OF OPEN MEETING LAW**

Pursuant to A.R.S. § 38-431.05, notice is hereby given to the members of the [name of public body] and to the general public that the [name of public body] will hold a meeting open to the public on [date, time, and exact location].

The purpose of the meeting is to ratify an action of the [name of public body] that may have been taken in violation of the Open Meeting Law. This action involved:

[Describe the action.]

The public may obtain a detailed written description of the action to be ratified, and all deliberations, consultations, and decisions by members of the public body that preceded and relate to this action to be ratified at [identify the location and include hours] at least 72 hours in advance of the meeting.

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

[name of public body]

By [authorized signature]

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

**Form 7.13**

**Employee Notice of Executive Session**

**Section 7.9.4**

[DATE]

[Name and Address of Officer  
or Employee who is the subject  
of discussion at the executive  
session]

Dear [Name of employee]:

This is to advise you that the [name of public body] will meet in executive session at its next meeting on [date, time, and exact location] to discuss [describe nature of matters to be discussed or considered]. You may request that the discussion take place during the [name of public body's] public meeting rather than in executive session, by contacting the undersigned not later than [date and time by which notification must be given\*].

Any person with a disability may request a reasonable accommodation, such as a sign language interpreter, by contacting [name, telephone number, TDD telephone number]. Requests should be made as early as possible to arrange the accommodation.

Very truly yours,

[authorized signature]

\* Since the public body must post its notice of either a public meeting or an executive session at least twenty-four hours before the meeting, the deadline for the employee to exercise his or her right to demand a public meeting must be more than twenty-four hours before the meeting.

TAB

Sample Chart of Relevant Laws

**City of Scottsdale**  
**Sampling of Public Service Ethics Laws Applicable to City Officials**  
**(Mayor, City Council Members, and Members of All City Boards, Commissions, and Committees)**

Topic	Arizona Law	Scottsdale Law	General Summary <sup>1</sup>	Penalties & Sanctions <sup>2</sup>
Bribery	A.R.S. §§ 13-2602; 38-444		It is illegal for you to solicit, accept, or agree to accept any benefit upon an understanding that it may influence your official conduct, or to ask for or receive any gratuity of reward (or promise thereof) for your official act.	felony
Conflicts of Interests (general)	A.R.S. §§ 38-501 through -511	Charter Art. 8, § 6	If you or any relative could benefit from you taking official action, then you must (1) <i>disqualify</i> yourself by not participating "in any manner" – not voting, not discussing, not anything, and (2) <i>disclose</i> that personal interest.	felony or misdemeanor, more
Contracting with the City	A.R.S. §§ 38-503, 36-1406, -1477	Charter Art. 8, § 5	If you or any relative has a substantial interest in "any contract, sale, purchase or service" to the City, then you must disclose that interest and "refrain from voting upon or ... participating in any manner."	felony or misdemeanor; cancel contract
Conduct After Leaving City Position ("Anti-Revolving Door")	A.R.S. § 38-504(A)		For 12 months after your City service, you cannot represent another person for compensation before the City in connection with any matter in which you personally participated in a substantial and material way.	felony or misdemeanor
Confidential Information (Disclosure/Use of)	A.R.S. § 38-504(B)		During and for two years after your City service, it is illegal for you to disclose or use for personal profit any confidential information you learned in the course of your duties.	felony or misdemeanor; more
Discrimination & Favoritism	Constitutions, plus statutes; ARS § 38-231(G)		It is illegal to discriminate based on race, color, gender, national origin, religion, age, or physical or mental disability; plus, in your Loyalty Oath you pledged to "faithfully and <i>impartially</i> discharge the duties of...office."	attorneys fees, damages, more
E-mail	A.R.S. §§ 39-121; 38-431 <i>et seq.</i>		Your e-mail communications are subject to the Public Records Law, and improper e-mail involving a quorum of the members of a public body may violate the Open Meeting Law.	attorneys fees, costs, more
Employment of Relatives ("Nepotism")	A.R.S. § 38-481	S.R.C. § 14-134(b) (Council only)	You may not be involved in the appointment or hiring of a relative (which is defined broadly to include your parents, siblings, spouse, children, grandchildren, grandparents, and all in-laws).	misdemeanor
Employment – Discussion of Future Employment	A.R.S. §§ 38-503, -504(C)		If you engage in certain discussions about future employment, then it might trigger bribery or conflicts of interests laws.	felony or misdemeanor

<sup>1</sup> CAUTION: These brief descriptions are provided for quick introductory purposes and cannot and do not present the full scope of these laws.

<sup>2</sup> Violations of these laws may expose a City official to a variety of sanctions, including criminal penalties, personal financial liability (for damages and fines, as well as payment of costs and attorneys fees – both prosecution and defense), cancellation of contracts, public embarrassment (for the official and her or his family and employer), and removal from office. For example, a City official convicted of a felony may be fined up to \$150,000 for each violation and sent to prison for several years. A.R.S. §§ 13-801, -701. Conviction of a misdemeanor may result in a fine up to \$2,500 for each violation and a jail sentence of up to six months. A.R.S. §§ 13-802, -707. This information is presented not to scare City officials, but to help them by underscoring the seriousness of conducting the public's business properly.

Employment – Incompatible	A.R.S. § 38-505		Certain outside employment could trigger conflicts of interests laws.	depends on the facts
Employment – Representing Others Before the City	A.R.S. § 38-504		During your City service, it is illegal for you to represent another person for compensation in connection with any matter in which you will personally participate in a substantial and material way as a City official.	felony or misdemeanor
Entertainment (attending or participating in a cultural or sporting event)	A.R.S. § 41-1232.08(B) [only applies to City Council]		It is illegal for the Mayor or a Council member to accept from a “compensated lobbyist” “an expenditure or single expenditure for <i>entertainment</i> ” (defined broadly to mean not only <i>attending</i> any sporting or cultural event, but also <i>participating</i> in any cultural or sporting event, such as golf).	misdemeanor
Extra Compensation	A.R.S. § 38-505	S.R.C. § 14-135(c)	It is illegal for any City official to receive any money (except the salaries the City pays the Mayor and Council members) or anything of value for any service rendered in connection with performing their official duties.	felony or misdemeanor
Financial Disclosures [NOTE: Council only]	A.R.S. § 38-545 (which requires City adopt same)	S.R.C. §§ 2-76 thru -78	It is illegal for Council members to fail to file, or knowingly file an incomplete personal financial disclosure statement (which are designed to help you identify and avoid potential conflicts of interests).	misdemeanor
Gifts & Things of Value		S.R.C. § 14-135 (b), (c), (d)	“No gifts, gratuities, or other benefits or items of value shall be solicited” and “[g]ifts and other personal benefits or items of value shall not be accepted if acceptance could be...construed as an attempt to exert improper influence.” Gifts worth more than \$25 must be reported to the City Clerk.	ethics code investigation and public report
Misuse of Public Resources (see “Theft” below)	A.R.S. §§ 13-1802, -2310, -2316		City officials may use City resources only to the extent those resources are available to the public (e.g., if the public is charged 20¢ page for copying, then a City official must pay the same). Otherwise, it is theft (see below).	felony or misdemeanor
Open Meetings	A.R.S. § 38-431 through -431.09	Charter Art.2 § 12 (Council only)	“It is the policy of this state that meetings of public bodies be conducted openly ... and interpretations of this [law] shall construe any provision ... in favor of open and public meetings.”	action null & void; attys fees; more
Political Activities	A.R.S. § 9-500.14		It is illegal to use city personnel/ resources to influence non-bond elections.	
Public Monies	A.R.S. § 35-301	Charter Art.8 § 3	If you handle or spend public monies, then you need to be extra cautious and recognize that special rules and obligations apply, including the City’s procurement processes.	felony
Public Records – Access to	A.R.S. § 39-121, <i>et seq.</i> , plus more	Charter Art.13 § 1	Arizona law has a strong presumption that records shall be open to public inspection, but with hundreds of exemptions, you should seek immediate help from the City Attorney if you get a public records request.	range: attorneys fees & costs
Public Records – Tampering with	A.R.S. § 13-2407		It is illegal to “tamper with a public record” by making a false document purporting to be a public record, altering or making a false entry, destroying, removing, hiding, or otherwise impairing a public record.	felony
Solicitation of Gifts & Things of Value	A.R.S. § 38-504(C)	S.R.C. § 14-135	It is illegal to use or attempt to use your official position to get any valuable thing or benefit that you would not ordinarily get. (See also “Bribery” and “Gifts” above.)	felony or misdemeanor
Theft of City Property, Resources, or Services	A.R.S. § 13-1802		Unauthorized (such as personal) use of City resources (facilities, equipment, personnel, supplies) can be considered “theft,” which is the taking or unauthorized use of another person’s property (including the City’s).	felony or misdemeanor
Travel	A.R.S. §§ 13-1803, -2407		Unauthorized use of a City vehicle can constitute “unlawful use of means of transportation,” and submitting a false travel or expense report is “tampering with a public record.”	felony

Undue Influence [NOTE: Council only]		Charter Art.2 § 17 (Council only)	Council members "shall deal with the administrative service solely through the city manager" and shall not direct or request the City Manager appoint or remove any city employee.	ethics code investigation and report
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BOARD AND COMMISSION MEMBER  
**TOOL BOOK**

TAB

Introduction



## Introduction | Welcome to the City of Scottsdale

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As a citizen volunteer serving on a board or commission of Scottsdale, you are a member of a very select group. You have been appointed by the City Council to study and recommend policy direction on a variety of issues vital to the City's future. This work will be like no other volunteer effort you've ever undertaken. To prepare you for this experience, we've developed this manual. Our objective in creating this material is to help you make the transition from citizen to board and commission member.

Before we go any further, let's be clear about several points. First, it takes time and work to be a good board or commission member. You will be expected to read and study materials in advance of meetings. You will have to listen to hours of discussion and testimony at public meetings from your colleagues and the citizens of Scottsdale. You will make recommendations that impact Scottsdale's citizens, including your friends and neighbors.

Second, you will participate in a variety of discussions that will help the City Council do its job. Sometimes Council decisions will directly incorporate your recommendations into their decisions, while at other times your input will be only one of many factors that must be weighed by the Council in its final decision. Your job is to support the democratic process by considering the broadest set of perspectives on issues. You will no longer just consider your own perspective, but must consider the perspectives of all the stakeholders involved in any particular issue.

Third, your group has official status and must abide by a number of rules and laws. For instance, the Open Meeting Law requires all official meetings to be conducted in open and advertised forums. Expect that all decisions made by your group will be reviewed and scrutinized by the public, the City Council, media and other interested parties. You will be working very closely with all kinds of City staff, policy makers, citizens, other government representatives, lobbyists and grass-roots organizations. You must understand the rules and regulations under which your board or commission works, and stay focused on your assigned mission.

Finally, you are now part of the City of Scottsdale official family. Your personal behavior, both inside and outside public meetings, will be observed and open to criticism by others. Ethical behavior, good judgment, dignity and respect are expected. If you meet these expectations, you will enhance our citizens' perception of the City of Scottsdale government.

Being a board or commission member is not an easy job, but if you do it well, it will be rewarding and you can help shape the future of Scottsdale.



## **Introduction | Questions to Keep in Mind**

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Here are some questions that you should keep in mind as you read this tool book. These are some of the more typical questions, that when answered, can help you with the deliberation and evaluation of the issues before your board or commission.

1. What is my role as a board or commission member?
2. What authority do I have to act?
3. What do others (staff, fellow board members, City Council, residents) expect of me?
4. How do I know if a recommendation is in the best interest of the community?
5. What effect will my actions have on the City Council, the community and the applicant?

TAB

City of Scottsdale Overview



## City of Scottsdale Overview | The City Council

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The City Charter, adopted in 1961, establishes a council manager form of government. All powers of the City are vested in the elected City Council. All City Council members and the Mayor represent the “community at large”, i.e. there are no district boundaries within Scottsdale. The City Council, comprised of the Mayor, who serves as chair, and six members enacts local legislation, adopts budgets, determines policies and priority programming based on citizen feedback and appoints key staff. Council-appointed positions in Scottsdale are the City Attorney, City Auditor, City Clerk, City Judge, City Manager and City Treasurer.

The City Council is committed to active citizen involvement in their decision making process:

- Through the appointment of 20 ongoing advisory boards, commissions, and task forces;
- Through special assignments of citizens to issue-oriented work groups, task forces or idea teams, and
- By hosting or attending neighborhood and community meetings and events as possible.

The City Council’s Mission and Goal statements are provided at the end of this section.

Also attached at the end of this section are the biographies for the Mayor and City Council.



## City of Scottsdale Overview | The Mayor

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The Mayor serves a four-year term and is elected at-large, meaning that the Mayor is elected by majority vote of all residents voting in the election. He or she may serve no more than three consecutive terms. By law and practice, the Mayor has a variety of responsibilities:

- Convenes all public meetings of the Scottsdale City Council
- Is the chair of City Council meetings, i.e. is the individual through which all Council, staff and citizen communication is channeled through during public meetings
- Takes testimony
- Votes on all issues presented to the City Council
- Viewed as the leader of the Scottsdale City Council
- Represents the City at ceremonial functions and in representing the City of Scottsdale throughout the Valley and the United States.
- Serves on various regional subcommittees.

Mayor David D. Ortega may be reached  
at: Phone 480-312-2433  
Fax 480-312-2738  
DOrtega@ScottsdaleAZ.gov  
3939 North Drinkwater Boulevard  
Scottsdale, Arizona 85251



## City of Scottsdale Overview | The Vice Mayor

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The Vice Mayor, also referred to as Mayor Pro Tempore in the Charter, assumes all duties of the Mayor in the event the Mayor is unable to attend or preside over a City Council meeting. He or she serves at the pleasure of the City Council. The Vice Mayor also performs the duties of Mayor during his/her absence or disability. In practice, the Vice Mayor is appointed every eight months on a rotational basis, based on length of tenure.

The Vice Mayor may be reached by calling the City Council Office at 480-312-2550.



## City of Scottsdale Overview | The City Council Members

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The six City Council members (including the Vice Mayor) also serve the community at large for four-year terms. Like the Mayor, no Council member may serve more than three consecutive terms. They are elected on a staggered basis with three Council members elected every two years. Council members analyze, deliberate, discuss and act on various issues presented to them by their citizenry, staff or by other regional officials. They provide direction to the City Manager to analyze and report on various issues for their consideration. They also participate in and represent the City of Scottsdale on a wide variety of local, regional and state subcommittees. These include:

### **Current local, regional and state subcommittees**

- League of Arizona Cities & Towns
- Maricopa Association of Governments (MAG) Coordinating Committees
- National League of Cities Federal Advocacy Committees
- Experience Scottsdale
- Scottsdale Sister Cities Association

### **Current Council Committees and Subcommittees**

- Audit Committee
- Council Subcommittee on Education
- Economic Development Subcommittee
- In addition, members serve on the Development Review Board in three-month rotations

All City Council members may be reached at:

Phone 480-312-2550

Fax 480-312-2738

3939 North Drinkwater Boulevard

Scottsdale, AZ 85251

E-mail addresses are:

[CityCouncil@ScottsdaleAZ.gov](mailto:CityCouncil@ScottsdaleAZ.gov) (sends to the Mayor and all members of the City Council)

Individual addresses are:

[TCaputi@ScottsdaleAZ.gov](mailto:TCaputi@ScottsdaleAZ.gov)

[TDurham@ScottsdaleAZ.gov](mailto:TDurham@ScottsdaleAZ.gov)

[BGraham@ScottsdaleAZ.gov](mailto:BGraham@ScottsdaleAZ.gov)

[BJanik@ScottsdaleAZ.gov](mailto:BJanik@ScottsdaleAZ.gov)

[KLittlefield@ScottsdaleAZ.gov](mailto:KLittlefield@ScottsdaleAZ.gov)

[SWhitehead@ScottsdaleAZ.gov](mailto:SWhitehead@ScottsdaleAZ.gov)



## **City of Scottsdale Overview | City Council Mission and Priorities**

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### **City of Scottsdale Mission Statement**

*Simply better service for a world-class community.*

### **City Council Priorities**

- Value Scottsdale's Unique Lifestyle and Character
- Support Economic Vitality
- Enhance Neighborhoods
- Preserve Meaningful Open Space
- Seek Sustainability
- Advance Transportation



## **City of Scottsdale Overview | City Administration**

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The City is comprised of numerous departments, all of which implement the City Council's direction and serve the citizens of Scottsdale.



## City of Scottsdale Overview | The City Manager

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The City Manager is appointed by the City Council and is responsible for the implementation of the City Council's Mission and Goals and the overall administration of all City staff, services and programs. The Manager also ensures ordinances are enforced, conducts and or delegates the hiring, appointing, or removing of staff, prepares the annual budget, keeps the City Council advised at all times of the affairs and needs of the City and its citizens, and supervises City-related purchases. By Charter, the Manager must reside within the City of Scottsdale during his/her tenure.

City Manager Jim Thompson may be reached at:

Phone 480-312-2800

Fax 480-312-2738

[JThompson@ScottsdaleAZ.gov](mailto:JThompson@ScottsdaleAZ.gov)

3939 N. Drinkwater Boulevard

Scottsdale, AZ 85251



## City of Scottsdale Overview | Other Appointed Positions

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In addition to the City Manager, the City Council appoints the City Attorney, City Auditor, City Clerk and City Treasurer.

The City Attorney provides legal advice and support to the City Council and City Manager. The City Prosecutor reports to the City Attorney to handle prosecution of all violations of City codes, misdemeanor violations within state law in Scottsdale and appeals from City Court to Superior Court. The City Attorney and his/her office also:

- Represent the City and its officers and employees in civil suits
- Provides advice to the City Council
- Drafts ordinances and resolutions
- Reviews contracts
- Prepares legal opinions

City Attorney Sherry R. Scott may be reached at:

Phone 480-312-7816

Fax 480-312-2548

[SScott@ScottsdaleAZ.gov](mailto:SScott@ScottsdaleAZ.gov)

3939 N. Drinkwater Boulevard

Scottsdale, AZ 85251

The City Clerk's Office is responsible for the City's records management, conducting municipal elections, preparing and maintaining the official record of the City Council meetings, coordinating the publishing and posting of the City's public notices and codifying ordinances and resolutions to be included within municipal code.

City Clerk Ben Lane may be reached at:

Phone 480-312-2411

Fax 480-312-7797

[BLane@ScottsdaleAZ.gov](mailto:BLane@ScottsdaleAZ.gov)

3939 N. Drinkwater Boulevard

Scottsdale, AZ 85251



## City of Scottsdale Overview | Other Appointed Positions (continued)

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The Scottsdale City Court is the judicial branch of the City. The City Judge is the presiding officer of the City court, must be a licensed Arizona attorney and serves for two-year terms. The court adjudicates all criminal misdemeanors, City Code violations and certain juvenile offenses committed in the City of Scottsdale. In cases of domestic violence and harassment, the court issues restraining orders. In felony matters, the court has the authority to issue search warrants.

Judge Marianne T. Bayardi may be reached at:  
480-312-7604  
Jolcavage@ScottsdaleAZ.gov  
3700 North 75th Street  
Scottsdale, AZ 85251

The City Council also appoints a City Auditor. He or she serves at the pleasure of the City Council as an internal auditor to examine and verify City affairs as directed by the council. The City Auditor works directly with a committee of City Council members to identify auditing priorities and needs and then presents an auditing plan to the entire City Council each year for review and approval.

Acting City Auditor Lai Cluff may be reached at:  
480-312-7851  
LCluff@ScottsdaleAZ.gov  
7447 E. Indian School Road  
Scottsdale, AZ 85251

The City Treasurer is appointed by the City Council to oversee the City's money and to dispense funds in accordance with the law and City Council direction.

City Treasurer Sonia Andrews may be reached at:  
480-312-2364  
SAndrews@ScottsdaleAZ.gov  
7447 E. Indian School Road  
Scottsdale, AZ 85251



David D. Ortega  
**Mayor**  
**City of Scottsdale**



Mayor David D. Ortega took office in January, 2021, as the 12th mayor of Scottsdale.

Mayor Ortega focuses on promoting public safety and well-being, maintaining family-friendly neighborhoods, protecting the McDowell Sonoran Preserve and strengthening Scottsdale’s world-renowned reputation.

Under Mayor Ortega’s leadership, Scottsdale lowered the property tax rate by more than 10 percent to ease the burden on our city’s families. He supported 10 percent funding increases for police and fire departments, and significantly reduced the Public Safety Retirement System fund balance.

A life-long advocate for equality, Mayor Ortega led public outreach, formulation, and passage of the Anti-Discrimination Ordinance by the Council to ensure Scottsdale remains a livable and economically vibrant city for all. Mayor Ortega championed the adoption of General Plan 2035 to revitalize our economy, support the arts, and preserve Scottsdale’s natural beauty. He is leading efforts to reign-in excessive building height and density in Old Town, while preserving our Western hospitality that draws tourists and visitors.

To strengthen economic vitality and keep Scottsdale’s workforce competitive, Mayor Ortega and the City Council established a Joint Education Committee with Scottsdale Unified School District and Scottsdale Community College. Mayor Ortega chairs quarterly meetings to support scholarships, internships, and employment pathways.

Over the course of four decades as an Arizona architect, Mayor Ortega designed many landmark buildings in Old Town. He is a graduate of the University of Arizona and was an apprentice to Bennie Gonzales, the award-winning designer of Scottsdale City Hall, Library and the Center for Performing Arts. Mayor Ortega has spent most of his life helping to shape Scottsdale’s “unique sense of place.”

Mayor Ortega represents the City of Scottsdale at the Maricopa Association of Governments Executive Regional Council, the Arizona Municipal Water Users Association Executive Board, the League of Arizona Cities and Towns Executive Council, and the Greater Phoenix Mayors and Supervisors Economic Council.

Mayor Ortega and his wife Rosemary Gannon live near Saguaro High School where they raised their children, Alexandra and Luke.



Tammy Caputi  
**Councilwoman**  
**City of Scottsdale**



Councilwoman Caputi began her first term on the Scottsdale City Council in January 2021.

Councilwoman Caputi holds a Bachelor of Arts degree in Economics from Wellesley College in Wellesley, MA and a Master’s in Business Administration from Simmons University in Boston, MA.

Councilwoman Caputi holds a Bachelor of Arts degree in Economics from Wellesley College in Wellesley, MA and Master's in Business Administration from Simmons University in Boston, MA.

Councilwoman Caputi is a Fellow with the Flinn-Brown Arizona Center for Civic Leadership and Leading for Change and current chair of the Scottsdale Coalition of Today and Tomorrow (SCOTT), an organization dedicated to promoting, enhancing, and improving Scottsdale’s quality of life and economic vitality through community education and involvement in public policy issues. Additionally, she recently served a three-year term on the city’s Development Review Board.

She has been interested in health and fitness all her life and participates regularly, along with her husband, Steve, in many outdoor activities and physical pursuits. They have three young daughters who attend local public schools.



Tom Durham  
**Councilmember**  
**City of Scottsdale**



Councilmember Durham began his first term on the Scottsdale City Council in January 2021.

Councilmember Durham grew up in a small town in Iowa and attended Cornell College in Mt. Vernon, Iowa, where he graduated Phi Beta Kappa and magna cum laude in 1977, with majors in philosophy and history. He has served on Cornell's Board of Trustees for several years and has been elected as Secretary of the College and as chair of various committees.

After graduating from Cornell, he attended New York University Law School in New York City, graduating in 1980. During his time in law school, he served as research editor of the Review of Law and Social Change, one of the law school's journals.

After graduation from New York University, he joined the Mayer Brown law firm in Chicago, an international law firm with offices throughout the United States, Europe, South America, and Asia. Councilmember Durham specialized in tax controversy, representing the firm's clients in audits, trials, and appeals of local, state, and federal tax cases.

During his time at Mayer Brown, he was recognized by Chambers USA as one of the top 25 tax controversy lawyers in the U.S.. Councilmember Durham retired from Mayer Brown in April 2015 and soon thereafter became a full-time resident of the city of Scottsdale.

Councilmember Durham served as treasurer of the Protect Our Preserve political action committee, which was responsible for placing Proposition 420 on the ballot in November 2018. Since moving to Scottsdale, he has served as mock trial coach at a local high school, teaching trial skills, teamwork, and the rules of evidence to high school students.

His wife Martha serves as an Episcopal Deacon at a local church and they have two sons.



Barry Graham  
**Councilmember**  
**City of Scottsdale**



Councilmember Graham grew up in northern Scottsdale and was an all-state athlete at Chaparral High School. Today he lives in southern Scottsdale where he and his wife, Farrah, are raising their twin sons.

Barry is a Certified Public Accountant (CPA) for one of the most prestigious accounting firms in Arizona. He specializes in auditing the financial statements and analyzing the performance of private businesses, most of which are based in Arizona.

In 2014, Barry graduated from the Scottsdale Fire Department’s inaugural Citizens’ Fire Academy. The following year he served as Chairman of ‘Yes To Bonds’ campaign in which voters passed two critical public safety measures that funded relocating a fire station to the McCormick Ranch area and a new fire station in northern Scottsdale.

Barry, a graduate of Scottsdale Leadership’s Class 28, was a member of the city’s Planning Commission, and served as Chairman of both the Transportation Commission and Building Advisory Board of Appeals.

As a history enthusiast, Barry spent several years after high school in Massachusetts, earning undergraduate degrees from Boston University in Economics and International Relations. While working as an analyst in the Massachusetts State Legislature, Barry graduated from the University of Massachusetts with a Master of Science in Accounting where he delivered the commencement address.

Barry has served as a precinct committeeman since 2012 and was twice-elected treasurer of his political party’s local legislative district.



Betty Janik  
**Councilwoman**  
**City of Scottsdale**



Councilwoman Janik began her first term on the Scottsdale City Council in January 2021.

Councilwoman Janik was born and raised in Chicago, Illinois. She earned a Bachelor of Science in Chemistry from the University of Illinois Chicago, where she was one of only three women in a class of 65 in the chemistry curriculum. After college, she was employed by GD Searle, one of the premiere pharmaceutical companies of the era. During her time at GD Searle, her primary research concentrated on dissolving blood clots – an endeavor which was awarded in international publication. Thereafter she took time off to start a family. When her husband established his practice in Denver, she returned to her love of the sciences as a teacher.

Councilwoman Janik taught math and science for nearly 10 years at both the middle school and high school level, including in the prestigious Cherry Creek School District outside of Denver. She also worked in programs benefiting under-resourced students through outreach programs in remote school districts, and as a tutor in the “No Child Left Behind” program.

As a tireless community volunteer, she served on the managing and funding boards of two successful U.S. Swimming competitive youth teams in Denver for many years. She volunteered with the American Heart Association earning an award for community service. Upon arrival in Arizona, she volunteered for over six years at the Arizona Science Center, developing classes in Life Sciences and received three awards for her service. Additionally, she has served on various HOA boards in Chicago, Denver, and Scottsdale.

She is the past Treasurer of Protect Our Preserve which ushered in the successful passage of Proposition 420, past President of the Board of the Coalition for Greater Scottsdale and served on the steering committee “For the Best Scottsdale”, advocating for the successful capital bond proposals supporting significant projects in Scottsdale.

Of all her achievements, she is most proud of her role as a wife and mother. She and her husband, Joe, a pediatric surgeon (now retired), have been married for 48 years. They have three grown children, all physicians, and eight delightful grandchildren.



Kathy Littlefield  
**Councilwoman**  
**City of Scottsdale**



Councilwoman Littlefield began her second term on the Scottsdale City Council in January 2019.

Councilwoman Littlefield has 25 years of extensive financial and management experience. She co-founded (with her husband Bob Littlefield, who served three terms on the Scottsdale City Council from 2002 to 2015) and contributes to manage a successful Scottsdale-based computer company, NetXpert Systems, Inc.,

Her previous professional experience includes several years working in the Budget Office of the City of Plano, helping to design and track the departmental budgets for all city departments as well as working to format the Capital Improvement Program for that fast-growing city. In Scottsdale, Kathy worked as the office manager for Petley Greetings, Inc., a local business whose owner was a renowned artist and photographer in Arizona. Kathy also served as the Finance Director for Girls Ranch, a nonprofit company which had been based here in Scottsdale.

Councilwoman Littlefield has been active in a wide variety of community organizations and has held office in many of them. She was a “computer Mom” in her daughter’s school as well as treasurer for many after-school plays and pageants performed at Cochise Elementary. She was Treasurer of North Scottsdale Little League. Councilwoman Littlefield was President of her Civitan Club (an organization that helps developmentally disabled and underprivileged children) and was chosen “Civitan of the Year” for her efforts during her term of office. She also has been active in Special Olympics.

Councilwoman Littlefield has been Treasurer (twice) of her political legislative district and repeatedly was elected as a state committeewoman. Currently she is active in the Daughters of the American Revolution working to help our nation’s veterans and their families, and the Mayflower Society.

Councilwoman Littlefield is a Scottsdale native. She attended the Scottsdale Unified Schools Ingleside Elementary and Arcadia High and graduated with distinction from Arizona State University in 1970 with a bachelor’s degree in business education.



Solange Whitehead  
**Councilwoman**  
**City of Scottsdale**



Councilwoman Whitehead began her first term on the Scottsdale City Council in January 2019.

Councilwoman Whitehead and her family came to Scottsdale in 1996 from San Diego for 'just six months', fell in love with everything Arizona and never went back. She is an electrical engineer, accomplished businesswoman, conservationist, and volunteer.

Councilwoman Whitehead serves to ensure that community priorities drive City policies. She spends her time meeting with constituents, performing government due diligence, and visiting Scottsdale’s many neighborhoods and business districts. She brings stakeholders with contrasting viewpoints together to find a unified path forward.

Councilwoman Whitehead is relentlessly focused on making Scottsdale an efficient and effective government to protect tax dollars and positively impact every resident. She enacts policies that deliver triple bottom-line benefits by protecting public health, improving quality of life, and lowering costs.

Councilwoman Whitehead serves on the Board of Waste Not and volunteers at the Granite Reef Senior Center. She is a former Preserve Commissioner, was named “Conservationist of the Year” by the Arizona Wildlife Federation, helped pass the Protect Our Preserve initiative, and provided funding for the 3-D Printer lab at Scottsdale Community College.

She and her husband have three grown children and spend a lot of time outdoors.



## City of Scottsdale Overview | City Manager Biography

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### **Jim Thompson, City Manager**

The city manager provides executive leadership and supervision to division and department directors. The city manager leads the executive team comprised of appointed city officials and division and department directors. The city manager and staff also represent the organization on local and regional advisory bodies.

Mr. Thompson served as the city manager of Casa Grande from 2003 until earlier this year where he oversaw city operations and a \$175 million budget. He has 20 years' experience as a city manager, previously holding that position in Bothell, Wash., and Bullhead City, Ariz.

Mr. Thompson has also served on the Arizona State Personnel Board since 2004 and as an adjunct professor in Arizona State University's Department of Public Affairs since 2011.

Mr. Thompson has a bachelor's degree in accounting from Indiana University and a master's degree in business administration from Regis University.

TAB

Roles & Responsibilities



## **Roles & Responsibilities | Board and Commission Overview**

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The City Council relies on citizen-based boards and commissions to research issues, to reach out to the community, and to make recommendations that are in alignment with the Council's Mission and Goals and that serve the Scottsdale community. This citizen-based information and perspective serves as a tool for the City Council during their own research and deliberations.

Board and commission members are not elected officials, but rather are appointed officials who serve on recommending and advisory bodies to the City Council. Most board and commission recommendations are subject to the review and approval of the City Council. The notable exception is the Board of Adjustment, where decisions may be appealed through the Court system.

Board and commission members are appointed by the City Council, typically serving three-year terms. There are currently 25 different boards or commissions; all members are City of Scottsdale residents; and, no member may serve more than six consecutive years on that board or commission. Once a total of six years of service on the same board or commission is reached, there shall be a minimum one-year break in service before a member is eligible for reappointment to the same board or commission for one additional term. Once a total of nine years of service on the same board or commission is reached, a member is not eligible for reappointment to the same board or commission.

Citizens serve on only one board or commission at a time. This allows an opportunity for more citizens to participate.

More specific information about roles, responsibilities and City of Scottsdale staff representatives for each board or commission follows in this section.



## **Roles & Responsibilities | Advisory to the City Council**

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As you might already expect, City Council members are incredibly busy and active individuals in our community. As hard as they may try, they may not always have time to study every issue as thoroughly as they would prefer. Thus, they rely on boards and commissions - as representatives of our citizenry - to conduct some of this research and to form recommendations on proposed decisions and/or policies that you believe are in the best interest of the community.

Board and commission members are not elected officials and, as such, are purely advisory bodies. Board and commission members do not establish, but rather recommend public policy. You are asked to recommend action based on your own expertise, what you hear from other community members and based on the information and analysis of specific issues. Although all board and commission actions and recommendations are subject to the approval by the City Council, the Council has nominated you to this position because they trust that you will exercise sound, independent judgment and do your best to form advice for them. The City Council will consider your recommendations within the parameters of their own deliberations. As a result, the City Council can:

- Follow the recommendation of the board(s) or commission(s)
- Request further study
- Decide to take a different action that has been recommended (usually based on unique circumstances); or
- Decide not to act at all.



## Roles & Responsibilities | Board & Commission Service

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### **"Pros" and "Cons" other members have expressed about service.**

Although becoming a Board or Commission member can be very rewarding, serving community within our "perfectly messy" system of democracy is not always easy. Listed below are some of the pros and cons that existing and/or former board and commission members have shared about their personal experiences.

#### **Pros**

- Make a substantive difference in Scottsdale, potentially the region
- Learning about municipal government, Scottsdale's government in particular and the processes and procedures used to make decisions and deliver service
- Making recommendations that preserve and enhance our community for future generations
- Meeting new, interesting and dynamic community members
- Having the opportunity to have some "face time" with the City Council members
- Improving your public speaking skills and confidence

#### **Cons**

- Sometimes difficult to find enough time to do the job well
- Receiving telephone calls at work and home during inconvenient hours
- Making tough decisions on complex and/or emotional issues
- City Council members are busy and not easily reached or accessible



## **Roles & Responsibilities | Characteristics for Success**

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While every Scottsdale board or commission tends to have its own “personality” and methods for working together to form recommendations, some of the characteristics that successful boards and commission members have in common seem to include:

- Interest in City issues and a true willingness to learn about them
- Time enough to prepare for meetings and hearings
- Attendance is steady, consistent and members show up on time for the meetings
- A sense of open-mindedness, patience and fairness
- An ability to envision and consider the long-term effects of a proposed project/issue and to balance those effects with short-term considerations
- The ability to come to conclusion, making an informed recommendation
- Good “people” skills, i.e., respect one another and/or differing opinions, communicate questions or reasoning in a concise and clear manner and work well with staff and community members.



## **Roles & Responsibilities | Representing the City**

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As a volunteer board or commission member, you represent the City of Scottsdale. You may be the only contact individuals may have with the City. Therefore, board or commission members should conduct themselves in an appropriate manner at all times, not just when serving in an official capacity for the City.

### **Serve your fellow citizens with respect**

You often only get one chance to make a good impression and that is especially true for public officials and representatives. When interacting in a public setting, perceptions many times become a reality. Your actions before and after a meeting, your body language, the tone of your voice and many other behaviors will affect how the public views your decisions as a board or commission member.

If citizens perceive that you have listened to them and considered their issues, then they may feel they have received a fair hearing. As a public representative, members should strive to:

- Be honest and straightforward
- Keep your perspective and do not take the discussion or decisions personally
- Avoid unacceptable activities prior to a meeting, which may impair your judgment
- Avoid swearing or comments of a racial, religious, sexual or ethnic nature
- Dress appropriately
- Avoid the appearance of favoritism for friends, applicants or others in the audience who may be associated with an agenda item by not mingling or conversing with them prior to or after a meeting, as possible.

### **Principles for Civil Dialogue**

On July 1, 2013 the City Council adopted Resolution #9445, the Principles for Civil Dialogue.

*As a member of the Scottsdale Community, I will genuinely listen; speak respectfully; and be accountable for my words and actions.*



## Roles & Responsibilities | Frequently Asked Questions

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**Who appoints board members? Are board members paid for their service?** Scottsdale Revised Code states that all members are appointed by and serve without compensation at the pleasure of the City Council.

**What is my term of office?** According to Scottsdale Revised Code, appointment to a board or commission is for a term of three years or until a successor is appointed by the City Council. Notable exceptions are terms on the Personnel Board, the Public Safety Personnel Retirement System Board and the Industrial Development Authority. Terms begin on the date of appointment when the appointment is to fill an expired term, or when there is a vacancy due to resignation or removal from office. The City Clerk's Office maintains a listing of all City boards and their terms of office.

**How long may I serve?** Members may serve no more than six consecutive years on a particular board or commission. Once a total of six years of service on the same board or commission is reached, there shall be a minimum one-year break in service before a member is eligible for reappointment to the same board or commission for one additional term. Once a total of nine years on the same board or commission is reached, a member is not eligible for reappointment to the same board or commission.

**Can I be removed from office?** Yes, all board members serve at the pleasure of the City Council. Under Scottsdale Revised Code, a member of a board or commission may be removed by the City Council at any time with or without cause.

**What if I move from the City?** Under Scottsdale Revised Code, loss of residence shall be deemed resignation from office. The City Charter requires that all members of appointive boards and commission be residents of the City and maintain this residency for the duration of their term in office.

**Do I have to resign to seek public office?** According to Scottsdale Revised Code, appointed members must resign as a member of the board or commission prior to offering himself or herself for nomination or election to any salaried public office, including city, state or federal offices. Offering yourself means that you have either made a public declaration or candidacy or filed a nomination paper pursuant to A.R.S. 16-311. Resignations are to be made in writing and filed with the City Clerk. The resignation will become effective upon filing with the City Clerk's Office.

**Do I have to take any oaths for this appointment?** Following appointment, board members are required by State law to sign an oath of office. This law requires you to sign and file your oath of office at least 24 hours prior to the time you participate in a meeting or otherwise exercise the powers of the office you were appointed to hold. Typically, the City Clerk's Office has appointees sign the oath immediately following the interview/appointment process. If you are not present for the interview/appointment process, you may come to the City Clerk's Office at City Hall, 3939 N. Drinkwater Blvd., Scottsdale, AZ 85251 to sign the oath before a notary public. City Hall is open Monday through Friday from 8 a.m. to 5 p.m.

**If I miss a regularly scheduled meeting, what should I do?** Always try to notify the board or commission chair and staff representative ahead of time about any meetings you will not be able to attend. Make sure and review minutes and/or recordings to stay on top of issues and topics.



## Roles & Responsibilities | Frequently Asked Questions (continued)

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**Who do I represent?** You represent the City of Scottsdale and its citizens when conducting official business and it is best to restrain any personal opinions you might have on a particular issue. Try to avoid making public statements about the board or commission, without the approval of the board or commission, unless you qualify it by stating that it is your personal opinion. If you must state your personal opinion, it is important to differentiate it from the official position of the board or commission.

**What should I do if I disagree with the other board or commission members?** Occasionally, you will find yourself in disagreement with the vote or direction of your fellow board and commission members. If you find yourself in such a predicament, avoid being negative. Simply state that you disagree with the approach or result and avoid confrontation. Remember that the final decision on what your board or commission recommends will be made by the City Council.

**How are officers selected for boards?** Scottsdale Revised Code states that members of each board and commission shall elect a chairman and vice chairman at their first meeting in January. Such officers serve for a term of one year or until their successors are elected.

**What is the role of the chairperson?** In general, the chair ensures that meetings are run in an orderly fashion, that a quorum exists and that all open meeting laws are followed. All questions, whether from the floor or from a board or commission member should be addressed directly to the chair. The chair should work with the staff representative to prepare the agenda. The chair should make sure board or commission members are contacted when there is been a change in the meeting location, date or time. Please check your board or commission by-laws for additional chair duties.

**Do Council members serve on boards and commissions?** Scottsdale Revised Code says that the Mayor and City Manager are ex officio members without voting privileges of all boards and commissions. Unless specifically provided, for example on the Development Review Board, no council member serves as a member, ex officio or otherwise, of any appointive board or commission.

**What if I need to resign from my position?** Please submit a resignation letter in writing to the Mayor, and copy your board chair, your staff representative and the City Clerk.

**Do I need to go through the Council interview process again to be reappointed?** Yes. The Council's practice is to have applicants for all vacancies, including those eligible for reappointment, go through the nomination, interview and appointment process. You will be notified by your staff representative when your term is about to expire so that you may submit an application to be considered for reappointment for a second term.

**Can a board or commission have non-members on a committee or subcommittee?** According to Scottsdale Revised Code, committees appointed by any board or commission may include only members of the appointing board or commission unless the City Council approves the appointment of a nonmember.

TAB

Diversity Awareness



## Diversity Awareness | what is diversity?

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Diversity encompasses all of the ways that human beings are both similar and different. It involves variations in factors we control as well as those over which we have no choice. These factors give us areas of commonality through which we can connect with others and aspects of difference from which we can learn.

*“A mosaic of people who bring a variety of backgrounds, styles, perspectives, values and beliefs as assets to the groups and organizations with which they interact.”*

Tina Rasmussen, 1996

### **The Four Layers of Diversity.**

- Diversity can be seen as four concentric circles, at the center of which is personality, the innately unique aspect that gives us each our own particular style. This core aspect permeates all other layers.
- Moving out from that center are the internal factors which Marilyn Loden and Judy Rosener label primary dimensions of diversity. These are aspects over which we have little or no control, such as gender, age, sexual orientation and race.
- The next layer of factors, most of which Loden and Rosener refer to as secondary dimensions, is made up of external influences brought to bear by society and one's experiences in the world. Where you grew up or live now, whether you are married or have children, how your religious affiliation guides you and the amount and type of education you have are examples of these kinds of external differences.
- Finally, the fourth layer encompasses organizational influences related to factors such as seniority, the kind of work you do, your level within the company and your work location.

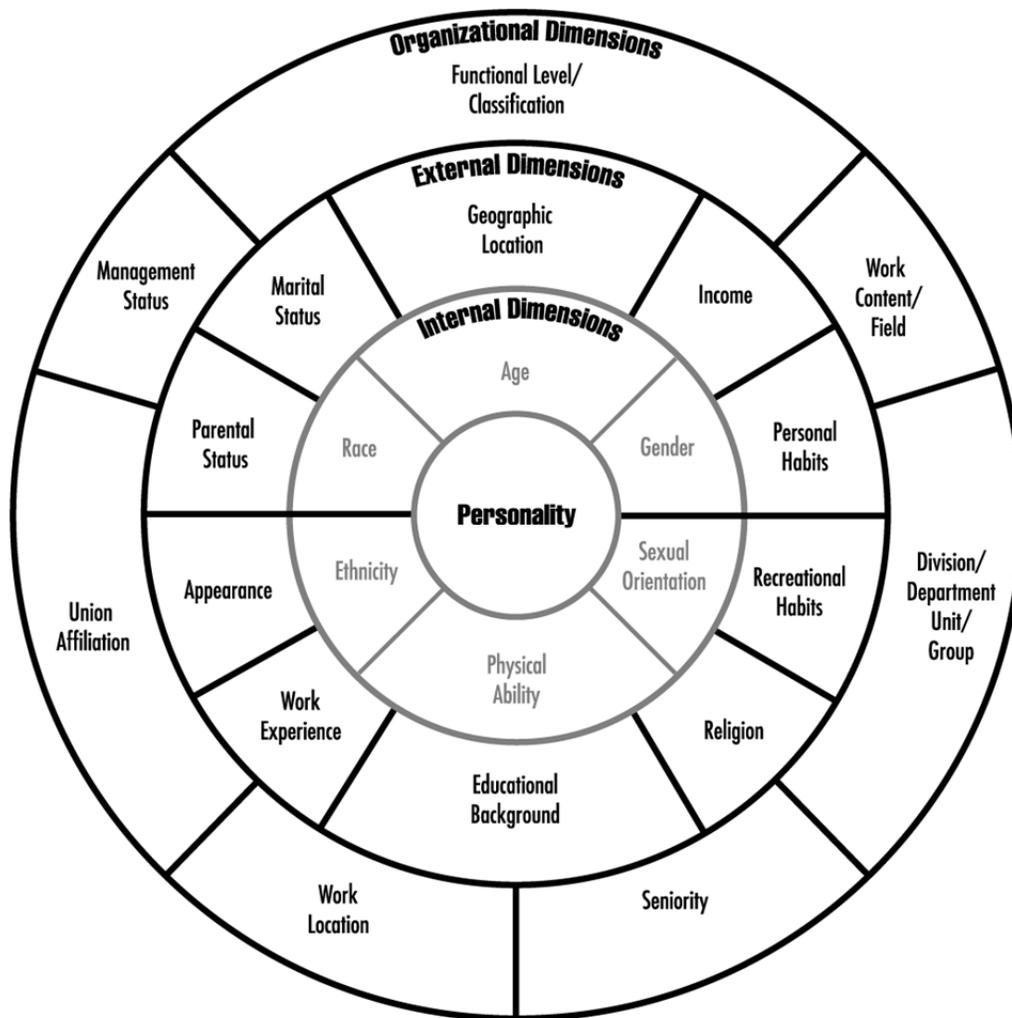
These four layers together form your own diversity filter.

**The City of Scottsdale has a policy on Anti-Discrimination and Non-Harassment that applies to City board and commission members. Please review the policy prior to beginning service on your board of commission. The policy, Administrative Regulation #333, follows.**



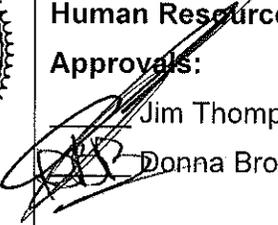
# Diversity Awareness | Four Layers of Diversity

## Four Layers of Diversity



Source: From Lee Gardenswartz and Anita Rowe, *Diverse Teams at Work*. Burr Ridge, Ill.: Irwin Professional Publishing, 1994. \*Internal dimensions and external dimensions are adapted from Marilyn Loden and Judy B. Rosener, *Workforce America!* Homewood, Ill.: Business One Irwin, 1991.

**AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY**

	<b>Responsible Department:</b> Human Resources	<b>Effective Date:</b> 7/7/2003
	<b>Approvals:</b>  Jim Thompson, City Manager  Donna Brown, Human Resources Director	<b>Date Approved:</b> 05/20/2019 05/20/2019

**1.0 PURPOSE**

- 1.1. The purpose of this Administrative Regulation is:
  - 1.1.1. To provide employees with a work environment free from unlawful Discrimination, as provided by Title VII of the Civil Rights Act of 1964, other federal and state laws, and provisions of the City Code.
  - 1.1.2 To inform employees of prohibited acts and inappropriate conduct, which constitute or contribute to unlawful Discrimination or harassment, or otherwise conflict with Employee Values; and
  - 1.1.3 To provide employees with a complaint procedure that will allow the city:
    - to promptly and thoroughly investigate alleged acts of Discrimination and/or harassment, or inappropriate conduct or behavior;
    - to take any appropriate disciplinary action, based on the investigation;
    - to engage in preventative or corrective measures; and
    - to protect employees from a negative employment action as a result of bringing a complaint forward or participating in the process.

**2.0 APPLICABILITY**

- 2.1. This AR applies to all City employees and volunteers with the exception of Public Officials otherwise regulated by the City’s Code of Ethical Behavior (Scottsdale Revised Code Sections 2-47 through 2-58 and 2-243).

**3.0 POLICY**

**Part I**

- 3.1. This part of the City’s Anti-Discrimination and Non-harassment Policy is intended to comply with federal statutes prohibiting Discrimination in employment, as interpreted by federal courts, and to inform employees of legally enforceable rights and requirements.
  - 3.1.1 Title VII of the Civil Rights Act of 1964, as amended, and other state and federal laws prohibit Discrimination in employment because of race, color, religion, sex (including gender and sexual harassment), age, national origin, and/or disability. All employees are responsible for ensuring that the workplace is free from conduct or activities that constitute or contribute to such Discrimination or harassment.

## AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY

- 3.1.2 In addition to the prohibitions against Discrimination found in Title VII and other federal and state laws, Scottsdale Revised Code ("SRC") Sections 14.1.1 and 14-2, as amended by Ordinance No. 3765, passed and adopted on December 4, 2007, made clear that sexual orientation and gender identity are Protected Classes for City employment purposes.
- 3.1.3 Discrimination and/or Discriminatory Harassment based on a Protected Class is prohibited when determining work assignments, working conditions, job classification, disciplinary actions, promotions, salaries, performance reviews, interpretation or application of City rules. Discrimination generally means any act or acts which negatively affects the terms and conditions of employment of another employee, when motivated by the affected employee's membership in a Protected Class. Discriminatory Harassment generally means unwelcome conduct that is based on membership in a Protected Class such as race, religion, gender, sex, national origin, age (40 or older) or disability. Harassment becomes discriminatory and unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment. To be harassment, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person. Discrimination under Part I of this AR does not include employment or workplace concerns that do not involve conduct prohibited by Title VII and state and federal laws, which are addressed separately in Part II of this AR.
- 3.1.4 Examples of prohibited conduct include, but are not limited to the following, because it either constitutes Discriminatory Harassment or contributes to it:
- Verbal or physical conduct that threatens or insinuates, either explicitly or implicitly, that the employee's submission to or rejection of sexual advances will in any way influence any decision, evaluation, duties, or any other condition regarding the employee's employment. Please note that this type of (quid pro quo) behavior is so serious that one isolated incident can constitute Discriminatory Harassment.
  - Unwelcome sexual advances, gestures, touches, asking for a date after repeated rejections, or requests for sexual favors.
  - Offering employment benefits in exchange for sexual favors, retaliating, or threatening Retaliation after having sexual advances rejected. Please note that this type of (quid pro quo) behavior is so serious that one isolated incident can constitute Discriminatory Harassment.
  - Unwelcome comments, remarks, or threats, including but not limited to comments about an individual's body, personal or private life, use of sexual words to describe an individual, offensive jokes, comments or compliments of a sexually suggestive nature, innuendoes, inappropriate terms of endearment such as "doll," "honey," "babe," "hunk," etc.

## AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY

- Insulting, demeaning, derogatory remarks, communications and materials, including but not limited to posters, cartoons, magazines, directed at a member of a Protected Class, or relating to a person's status as a member of a Protected Class.
  - Comments about ethnic, racial or religious stereotypes.
  - Inappropriate body language, touching or verbal responses, including shoulder massaging, hugging, winking, throwing kisses, leering, or blocking exits.
  - Display of sexually suggestive objects, books, magazines, photos, pictures or cartoons.
  - Any act of harassment that may be construed as inappropriate to a reasonable person.
  - In addition, the City has a no tolerance policy regarding pornography in the workplace. This includes accessing sexually explicit Internet adult or X-rated sites, sexually oriented discs, or display of sexually suggestive objects, books, magazines, photos, pictures or cartoons. An employee who accesses or depicts any sexually explicit item, or material in the workplace at any time will be separated from employment (See also AR 127 and AR 165).
- 3.1.5. The legal standard used to determine if the conduct is inappropriate or objectionable is whether a reasonable person, as a member of the Protected Class, would view it in that way. For example, whether a comment of a sexual nature is offensive to a woman would be determined from the perspective of a reasonable woman (i.e., would the comment be offensive to a reasonable woman). The same standard applies to acts directed at members of any protective class.
- 3.1.6. Retaliation against employees for reporting acts believed to constitute unlawful Discrimination including Discriminatory Harassment, as described in Part I, above, or for assisting the City in the investigation of a complaint of unlawful Discrimination, is against the law and will not be permitted.
- 3.1.7. Violations of this section may result in disciplinary action, up to and including dismissal. Violations of these policies may also result in potential legal liability to the employee who has engaged in the prohibited acts, as well as the City, depending on the nature of the violation.

### Part II

- 3.2. This part of the City's Anti-Discrimination and Non-harassment Policy is intended to address the general conduct and behavior of employees. It addresses behaviors that while not unlawful are inappropriate in the workplace, because they violate Employee Values and otherwise have potential negative effects on employees and the work environment and may result in disciplinary action.
- 3.2.1 The City of Scottsdale is a values-based organization, which considers its employees its most important resource. It is the policy of the City to treat its employees fairly, respectfully, equitably and professionally, with the same respect and dignity that they are expected to demonstrate toward

## AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY

every citizen, customer and co-worker regardless of race, color, religion, sex, national origin, age, sexual orientation, gender identity or disability.

3.2.2 This section of the policy reflects a commitment to the City's values, particularly "Respect the Individual." Inappropriate behavior includes, but is not limited to, the following conduct:

- Gossiping about, using profanity toward, demeaning or defaming another employee, or otherwise acting in a manner that could negatively impact the workplace morale, service or productivity.
- Engaging in humor or bantering in the workplace that may intimidate, offend, embarrass, or demean another person.
- Using profanity in the workplace.
- Participating in a business decision, if the employee's judgment on the decision might be unduly affected by a personal relationship.
- Personal relationships between supervisors and subordinates are not permitted. For example, a manager is prohibited from dating a subordinate within his/her chain of command.
- Supervisors and subordinates should not participate in a business relationship outside of the workplace, including operating a business, or engaging in a business of any kind for personal gain or profit.

3.2.3 Violations of this section may result in disciplinary action, up to and including dismissal.

3.2.4 Any negative employment action taken against a person **because** they reported, otherwise complained and/or participated in an investigation of violations of Sec. 3.2 is in violation of the Employee Values. Any such negative employment action under Sec. 3.2 is subject to disciplinary action, up to and including dismissal.

### 4.0 PROCEDURES

- 4.1. The City of Scottsdale has a complaint procedure and controls in place to ensure that the City exercises reasonable care in handling allegations of Discrimination and/or Discriminatory Harassment, including providing reasonably prompt, thorough and impartial investigations, when reasonably warranted, under the circumstances presented.
- 4.2. Complaints relating to alleged incidents of unlawful Discrimination or harassment, or other inappropriate behaviors as described in this policy, either personally experienced or observed by an employee, or reasonably believed to have been experienced by another employee, should be reported to the employee's supervisor. Complaints involving the employee's supervisor, or someone in the employee's direct line of supervision, or complaints that for any other reason the employee may feel uncomfortable bringing to his or her immediate supervisor, or someone in the employee's direct line of supervision, should be brought to Human Resources and/or if the employee feels uncomfortable with that, the City Manager's Office or the City Attorney's Office. Complaints may be made orally, or the employee may use any written form or document.
- 4.3. Any supervisor receiving a complaint must inform Human Resources as soon as possible, in order to allow the City to investigate all complaints thoroughly,

## **AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY**

expeditiously and professionally. If the complaint involves the Human Resources Director, then the City Manager's Office should be notified. If the complaint involves the City Manager, or an Assistant City Manager, the City Attorney may be contacted as an alternative.

- 4.4. Information acquired in the course of an investigation, including the initial complaint, will be accorded the highest degree of confidentiality permitted by the circumstances and by law.
- 4.5. Any employee may be compelled to participate in an investigation. Knowingly or intentionally providing false information or refusing to provide information in respect to a complaint is prohibited and may subject an employee to disciplinary action.
- 4.6. Any violation of this policy may result in disciplinary action, up to and including dismissal. Retaliation against any person who reports or complains about conduct which is the subject of this administrative regulation, or who participates in the investigation of such conduct, may result in disciplinary action, up to and including dismissal. City of Scottsdale employees are encouraged to speak up and confront an individual when offended.
- 4.7. Employees who file complaints will be notified about the status of their complaint, the results of the investigation and any corrective and preventative action taken as a result of the complaint at an appropriate time after the investigation has been finalized.
- 4.8. Employees who are the focus of a complaint will be notified about the status of the complaint, the results of the investigation and any corrective and preventative action taken as a result of the complaint at an appropriate time after the investigation has been finalized.

### **5.0 RESPONSIBILITIES**

- 5.1. It is the responsibility of all City of Scottsdale employees to act to prevent Discrimination, harassment and Retaliation in the workplace. Employees are permitted to and should speak up and confront an individual when they are exposed to or observe conduct in violation of this policy. Employees are required to report what they perceive to be violations of this Administrative Regulation Part I (unlawful Discrimination) to their manager, supervisor or Human Resources. Any manager or supervisor who becomes aware of a violation or perceived violation of this policy has a duty to act and should contact Human Resources immediately to address the situation.
- 5.2. Human Resources is responsible to ensure training is available to City employees on this AR during New Employee Orientation. Additional training requirements will be at the discretion of the Human Resources Director.
- 5.3. It is the City's responsibility to provide reasonable accommodations to applicants and employees who need them for medical or religious reasons, as required by law.

### **6.0 OVERSIGHT/REVIEW**

- 6.1. Human Resources is responsible for the administration and review of this AR, which should be reviewed at least once every three years.

## AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY

- 6.2. All employees shall receive annual training concerning this AR, appropriate to their assigned duties. Employees in violation of this AR are subject to discipline up to and including termination.

### 7.0 DEFINITIONS

- 7.1 “Discrimination” generally means any act or acts which negatively affects the terms and conditions of employment of another employee, when motivated by the affected employee’s membership in a Protected Class.
- 7.2 “Discriminatory Harassment” generally means unwelcome conduct that is based on membership in a Protected Class such as race, religion, gender, sex, national origin, age (40 or older) or disability. Harassment becomes discriminatory and unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that a reasonable person would consider intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of harassment. To be harassment, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person.
- 7.3 “Employee” as used in this administrative regulation includes all city employees, contract workers, and volunteers with the exception of Public Officials otherwise regulated by the City’s Code of Ethical Behavior.
- 7.4 “Gender identity” means an individual’s various attributes as they are understood to be either masculine and/or feminine and shall be interpreted to include pre and post-operative transsexuals.
- 7.5 “Protected Class” means a group that lawmakers specifically protect from Discrimination. Protected Classes include **anyone** who is discriminated against because of their race, color, religion, sex (including pregnancy, sexual orientation, or gender identity) age (40 or older), national origin, genetic information (including family medical history) or disability.
- 7.6 “Retaliation” means intentionally taking a negative employment action against a job applicant, employee or former employee **because** they reported Discrimination, participated in a Discrimination investigation or lawsuit (for example, serving as a witness), or opposed Discrimination (for example, threatened to file a charge or complaint of Discrimination) in violation of Federal or State law (Part I of this AR). This would include, but is not limited to, refusing to recommend an employee for an opportunity for which he or she qualifies, spreading rumors about the employee, encouraging hostility from co-workers, or any other negative, tangible employment action done intentionally as a result of the applicant or employee asserting their rights to be free from illegal employment Discrimination.
- 7.7 “Sexual orientation” means an individual’s heterosexuality, homosexuality or bisexuality.

### 8.0 RELATIONSHIPS TO ADOPTED POLICIES AND ORDINANCES

- 8.1. City Charter, Article 3, Sec. 2
- 8.2. Scottsdale Revised Code 14-2 Equal Employment Opportunity

## **AR333 – ANTI-DISCRIMINATION AND NON-HARASSMENT POLICY**

- 8.3. [Scottsdale Revised Code 14-4 Human Resources Director](#)
- 8.4. [Scottsdale Revised Code 14-72 Grounds for Discipline, Dismissal](#)
- 8.5. [Scottsdale Revised Code 14-73 Investigation; Non-disciplinary Suspension](#)
- 8.6. [Scottsdale Revised Code 14-76 Open Door Policy](#)
- 8.7. [AR 306 Contract Workers and Temporary Employees](#)
- 8.8. [AR 308 Citywide Volunteer Program](#)
- 8.9. [AR320 - Ethical Standards](#)

### **9.0 LINKS TO SUPPORTING DOCUMENTS**

- 9.1. None

### **10.0 REVIEWED/AMENDED DATE(S) AND NOTES ON SIGNIFICANT CHANGES:**

- 10.1. Original Effective Date – July 7, 2003
- 10.2. Amended - January 8, 2008.
- 10.3. Amended - May 2019 to delete out-of-date language, update the procedures, add an annual training requirement and more generally update the format.



## Diversity Awareness | Americans with Disabilities Act (ADA) 7/26/90

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**SUMMARY:** This rule implements subtitle A of title II of the Americans with Disabilities Act, Pub. L. 101-336, which prohibits discrimination on the basis of disability by public entities. Subtitle A protects qualified individuals with disabilities from discrimination on the basis of disability in services, programs, or activities of all state and local governments. It extends the prohibition of discrimination in federally assisted programs established by section 504 of the Rehabilitation Act of 1973 to all activities of state and local governments, including those that do not receive Federal financial assistance, and incorporates specific prohibitions of discrimination on the basis of disability from titles I, III, and V of the Americans with Disabilities Act. This rule, therefore, adopts the general prohibitions of discrimination established under section 504, as well as the requirements for making programs accessible to individuals with disabilities and for providing equally effective communications. It also sets forth standards for what constitutes discrimination on the basis of mental or physical disability, provides a definition of disability and qualified individual with a disability, and establishes a complaint mechanism for resolving allegations of discrimination.

**General Rule:** "...making reasonable accommodations to the known physical or mental limitations of an otherwise qualified individual with a disability who is an applicant or employee, unless such covered entity can demonstrate that the accommodation would impose an undue hardship on the operation of the business of such covered entity..."

Public accommodations must –

- Provide goods and services in an integrated setting, unless separate or different measures are necessary to ensure equal opportunity.
- Eliminate unnecessary eligibility standards or rules that deny individuals with disabilities an equal opportunity to enjoy the goods and services of a place of public accommodation.
- Make reasonable modifications in policies, practices, and procedures that deny equal access to individuals with disabilities, unless a fundamental alteration would result in the nature of the goods and services provided.
- Furnish auxiliary aids when necessary to ensure effective communication, unless an undue burden or fundamental alteration would result.
- Remove architectural and structural communication barriers in existing facilities where readily achievable.
- Provide readily achievable alternative measures when removal of barriers is not readily achievable.
- Provide equivalent transportation services and purchase accessible vehicles in certain circumstances.
  - Maintain accessible features of facilities and equipment.
- For more information refer to Title II Technical Assistance Manual, Covering State and Local Government Programs and Services: <http://www.usdoj.gov/crt/ada/taman2.html>



## Diversity Awareness | “Reasonable Sense”

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In many ways, both directly and indirectly, Board and Commission members represent the eyes, ears and voice of Scottsdale’s community. Therefore, making certain that meetings are accessible to the public is critical. The law requires providing “reasonable accommodations” for people with disabilities. Always keep the Americans with Disabilities Act (ADA) guidelines in mind when planning and selecting meeting venues.

To help you consider basic ADA issues/needs, here’s a “reasonable sense” checklist you may use in your meeting planning:

### **Are these areas wheel chair accessible?**

- Door ways
- Restrooms
- Walkways
- Exits
- Ramps to get to seating areas

### **Vision-related issues to consider**

- Are there printed materials or PowerPoint presentations being used that must be seen in order to understand meeting format or content?
- Are there structural barriers that would make it difficult for a visually impaired person to maneuver within the space?

### **Communication issues to address**

- Is sign language needed? (Note: need 48-hour notice)
- Are there bi-lingual issues? (Note: need 48-hour notice)

### **Age-related issues to consider**

- Will this location be difficult for people with poor vision?
- Is the space comfortable, stable and easy to get to?
- Having meetings at night may keep elderly people from attending
- Are there Dial-a-Ride services at night?
- Are printed materials easy to read?
- Is the sound system adequate in all areas of the room?

And, please remember to include the ADA “reasonable accommodations” statement on every public meeting announcement or notice: “To request reasonable disability accommodations, or language translation; please call (identify department, office or individual) at least 48 hours in advance at (provide phone number).

TAB

Tips, Tools & Techniques



## Tips, Tools & Techniques | Getting Ready for a Meeting

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### Be Prepared

- Review and read your agenda packet and staff reports.
- Know the facts of the case or issue and what you are talking about.
- Consider whether or not you may have a conflict of interest on any of the agenda items.
- For high-profile and/or complex and multi-dimensional issues, you may want to contact City staff for a personal briefing or to set up a time to personally inspect the case file. Staff is always willing to help you, as needed.
- If you have questions, call your staff representative as early as possible. This will give him/her an opportunity to thoroughly research your questions and provide information back to you.
- Sometimes site visits may be necessary to completely understand a proposal.
- It is okay to ask neighbors, council members, residents and other board and commission members for their opinions. Note: Be careful not to misuse the email system, for example, inadvertently initiating an online meeting with several fellow commission members or Council members. The open meeting laws apply to these kinds of communications (covered during Ethics Training).
- Make arrangements so that you can be at the meeting on time.



## Tips, Tools & Techniques | The Staff Representative

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Each board or commission created by the City Council will have City staff member(s) assigned to serve as the staff representative and coordinator. If a board or commission member needs to contact City personnel for information concerning official business, he or she should always make the request through the staff representative.

It is not the responsibility of board and commission members to decide or direct the priority of work for the department or the individual staff representative that has been assigned to the board or commission.

The board or commission sets priorities for their own agendas. City staff then uses its time to gather the information necessary for the board or commission to make a recommendation or decision in regards to agenda items.

In general, the staff representative will:

- Establish and maintain a positive working relationship with the board or commission members
- Assist with the establishment of basic board or commission bylaws, structure and operating procedures
- Work with the chair to provide information and logistical support to board or commission members
- Provide board or commission members with the information necessary for making an informed decision
- Offer advice and counsel to board or commission members, as appropriate and when requested
- Report the board's or commission's concerns and progress to the City Manager
- Provide advice regarding the most effective way of presenting board and commission recommendations to the City Council
- Facilitate interaction between boards and commissions if necessary
- Make meeting arrangements and prepare and distribute agenda packets to board and commission members
- Prepare and ensure that legal postings and public notices are completed as requested via the revised Arizona Open Meeting Law and statutes
- Take notes during the meeting and prepare meeting minutes for approval by the board or commission
- Provide access to orientation and training for new members



## Tips, Tools & Techniques | Successful Meetings

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The business of the board or commission is conducted during a public meeting or hearing. Therefore, it is important that the meeting is conducted in a professional and efficient manner. Meetings, whether one-on-one, in small groups or in public events are the dominant methods used to engage citizens in discussions about the issues they face. Therefore, people charged with engaging communities in problem solving and planning for the future need to have good meeting planning skills, good facilitation skills and a knowledge about action planning.

### Tips for Success

#### 1. *Keep the meeting under control*

- It is the chair's responsibility to ensure that the meeting is conducted in an orderly manner.
- Have a set meeting procedure to follow. Explain it to the public at the beginning of the meeting.

#### 2. *Act promptly*

- Schedule topics on the agenda in order to avoid inconvenience or delays to applicants, special interests and interested citizens.
- Follow a published agenda.
- Ensure that the applicant and/or other interested parties receive due process by rendering a decision in a timely manner.

#### 3. *Bring issues to vote*

- Avoid becoming bogged down in details or endless requests for additional information.
- Meet with staff prior to regular meetings to review complex cases, technical reports and to analyze issues.

#### 4. *Ask Yourself*

- Were the issues clearly defined and fully addressed?
- Do I have sufficient factual information to reach a decision?
- Were there meaningful ways for citizens to be involved in this issue/project?
- Is the request or proposed project consistent with the goals and objective of the community?

#### 5. *Make informed decisions*

- Keep an open mind.
- Listen carefully to citizen and fellow commission member comments prior to making or announcing your decision.
- Don't discuss the pros and cons of an agenda item before all testimony and information has been presented.
- Focus your discussion and comments around the facts of a particular case, issue, proposal rather than making the issue personal about staff members, other officials, the applicant or citizens.



## Tips, Tools & Techniques | Successful Meetings (continued)

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### 6. State the board or commission's findings

- Vote on specific actions in the form of a motion and include pertinent findings.

Review *The Riggins Rules* for additional information to consider ideas on member conduct while doing the business of the board and commission later in this section. Also, review the small booklets with additional information located in the back pocket of this notebook.



## Tips, Tools & Techniques | Effective Conflict Management

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Public hearings or citizen input meetings can be challenging. However, a public meeting is an important part of the democratic process, especially at the local level, and it should be the goal of all boards and commissions to make their meetings as effective as possible.

Participants can be highly motivated and often nervous creating the possibility of conflict or contentious exchanges. A board or commission member's role is to guide conflict to positive results, not to eliminate it. When this is done effectively, all participants tend to feel that they have been heard and their issues were considered before decisions were made.

The following are some suggestions that should help in managing conflict and confrontation effectively:

1. Do your homework so you can concentrate on the dynamics of the meeting rather than learning about the topic at hand. Be prepared to ask pertinent questions.
2. Carefully explain the purpose of the public hearing and what action is expected at the conclusion of the hearing. Insistence on playing by the rules is your best tool for conflict management in public hearings.
3. Treat all sides fairly. Set the rules of the hearing early and make sure everyone abides by them.
4. As often as possible, as a sign of respect, address the speaker by Mr./Ms. and their last name.
5. Impassioned comments most often do not require answers. Try to diffuse the situation by asking specific, neutral questions.
6. Repetitious debates should be avoided with speakers and other commissioners.
7. Board and commission members should refrain from expressing their views on a proposal until testimony has been completed. Comments and questions should be neutral.
8. Following testimony, the chairperson should invite but not force board and commission members to discuss their views on the proposal.



## Tips, Tools & Techniques | Other Types of Meetings

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Some boards and commissions may have workshops, retreats, subcommittees or other types of meetings in addition to the regular public meetings. Check with the staff representative to determine if your board or commission has any additional meetings and the protocols for those meetings. If your board or commission holds executive sessions, be sure to read how the open meeting law applies to executive sessions.



## Tips, Tools & Techniques | Basic Parliamentary Procedure

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Parliamentary procedure is a set of rules for conducting business at public meetings. Parliamentary procedure is important because it allows everyone an opportunity to be heard and assists in making decisions without confusion. Because implementation of the Robert's Rules of Order can be cumbersome, the rules are often adapted to fit the needs of the organization. The following is the adaptation of the rules that should be used:

### The Meeting Notice/Agenda

Each board or commission will publish a meeting notice and agenda for posting and distribution at least ten days prior to each meeting. The agenda may include the following:

- Call to Order
- Minutes
- Staff Reports
- Specific Business Items (with general description)
- Announcements
- Adjournment

The method of preparing the agenda varies by group. Typically, the staff representative works with the Chair of the commission to create the agenda. When it is finalized, the representative will work with the City Clerk's Office to make sure your final agendas are posted at least 24-hours in advance of the meeting.



## Tips, Tools & Techniques | Basic Parliamentary Procedure (continued)

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### Making Motions

A board or commission member uses a motion to propose a resolution or action on an item on the meeting agenda. The process for making motions follows.

- a. A member makes a motion – “I move that...” Speak clearly. State your motion affirmatively – “I move we do...” - do not say “I move we do not...”
- b. The chair asks for a second to the motion – “Second”
- c. The chair states the motion on the floor – “It has been moved and seconded that we...”
- d. After the motion is seconded, the member making the motion may speak to their motion first.
- e. After discussion, the chair asks for a vote on the motion – “All those in favor; all those oppose.”
- f. Votes may be taken by show of hands, by roll call - however your Board and Commission is comfortable taking a vote.
- g. The chair announces the results of the vote.

### Other Types of Motions

1. *Motion to lay on the table*

*This motion is used to temporarily postpone discussion on an issue so that a more urgent matter can be discussed. Tabling an issue should not be used to prevent discussion or action.*

2. *Motion to postpone indefinitely*

*This motion is sometimes used to kill a motion without having to discuss or vote on the issue. It is useful when either a yes or no vote on the original motion will have undesirable consequences.*

3. *Adjournment and intermission*

*Motions should be made, seconded and voted on to take a break and to adjourn a meeting.*



## Tips, Tools & Techniques | Frequently Asked Questions

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**When is a motion “in order?”** The motion must be relevant to the current agenda item.

**Do all motions need a second?** Yes, if a motion is not seconded, it dies and the chair asks for another motion or moves on to the next agenda item.

**May you debate the motion?** Yes, however, the debate must be relevant to the motion. The chair may limit the debate to keep the meeting moving.

**Can a motion be amended?** Yes. All amendments must be relevant to the original motion. Amendments must have a second and are debated and voted on before the original motion is voted on.

**Can a motion be reconsidered?** Yes. A member of the majority vote may ask to have a motion reconsidered. The board or commission would vote on the motion to reconsider a previous motion. The motion would be reconsidered if a majority agrees.

**What is a “call for a vote” or “move to the previous question?”** A member may ask for debate to end on a motion by calling for a vote or move the previous question. A second to the motion is not required. The chair may then immediately ask members to vote on the motion on the floor.

### What are some of the common vocabulary used in parliamentary procedure?

**Chair** - The Chairperson in charge of the convention.

**House** - A group of people meeting to conduct business.

**Floor** - The right to speak without interruption.

**Table** - To set aside a motion and suspend further discussion.

**Business** -The issue under discussion.

**Quorum** - The designated number necessary to do business. For a seven-member Board or Commission, a quorum would be four members.

**Agenda** - Order of business

**Motion** - Proposal for action

**Second** - Back up for proposal or motion

**Discussion** - Debate on the motion

**Amendment** - Change in the motion

**Vote** - Final decision on the motion

**Question** - Declaration of your desire to vote

**Previous question** - Motion to end debate

**Majority vote** - One more than half of 50%

**2/3's vote** - 66%

**Unanimous** -All must agree



## Tips, Tools & Techniques | The Riggins Rules

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Fred Riggins, a former chairman of the Phoenix Planning Commission, wrote the Riggins Rules in 1967. Although written nearly 40 years ago, many of these rules still hold true today. Some of the rules may seem harsh, may be redundant of the other materials provided in this tool book, and may not apply to your board or commission. These rules are reflection of how one gentleman viewed his position as a board and commission member and have been included for your review and reflection.

- Don't accept an appointment or nomination to a board or commission unless you expect to attend 99 percent of the regular and special meetings.... including inspection trips, briefings and public functions where your presence is expected. If your participation falls below 85 percent during any six-month period, you should tender your resignation. You aren't keeping well enough informed to make sound decisions, and you're making other people do your work for you. Your effectiveness and regard given to your opinions by other members will be in direct relation to your attendance.
- Do Create a Good Impression of City Government. Remember that this is the first contact that many people have with their local government. For some, this is the most important matter in which they have ever been involved. Many will never be back again and many will never have another such contact or experience. Your performance will create, in their minds, the picture that they will always carry with them of "the way the city is run." Make it as pleasant and comforting a picture as possible.
- Do Be on Time. If the hearing is scheduled at 5:00 p.m., the hearing should begin at that exact hour. If you have to wait 10 minutes for a quorum and there are 100 people in the room, the straggler has wasted two full working days of someone's time - besides creating a poor beginning for what is an important occasion for most of those present.
- Dress Professionally. Many people in the audience think that you're an important person. Don't disappoint them by your appearance, conduct or attitude.
- Don't Mingle with Friends, Acquaintances, Applicants or Objectors in the Audience before the meeting or during a recess period, if it can be politely avoided. You will invariably create the impression that there is something crooked going on, especially when you vote favorably on the case of the applicant with whom you were seen conversing. Save your socializing and fraternizing for some other time and place.



## Tips, Tools & Techniques | The Riggins Rules (continued)

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- Don't Discuss a Case privately and as a single member of a body with an applicant or objector prior to filing or prior to the hearing. In the event that such contact is unavoidable, be very noncommittal. Don't be too free with advice, and explain that you're only one member of the body, that you've not had an opportunity to study the matter thoroughly, that you have not seen the staff information, and that you have no way of knowing what opposition may develop or what will occur at the public hearing. If you've been unable to avoid these "ex parte" contacts, you should put them on record at the hearing.
- Do Your Homework. Spend any amount of time necessary to become thoroughly familiar with each matter, which is to come before you. It is unfair to the applicant and to the City for you to act on a matter with which you have no previous knowledge or with which you are only vaguely familiar. Additionally, as a result, you'll make some poor decisions.
- Don't Indicate by Word or Action How You Intend to Vote during the portion of the hearing devoted to presentations by the applicant, presentations by any persons appearing in objection and comments by members of the staff. During this period your body is the judge and jury. It's no more appropriate for you to express an opinion as to the proper decision prior to hearing all of the testimony than it would be for a judge or jury member to announce their firm conviction in the middle of a court trial regarding the guilt or innocence of a defendant. This is not clearly understood by a majority of persons sitting on public panels.
- Don't Fail to Disqualify Yourself if either directly or indirectly you have any financial interest in the outcome of the hearing. And let your conscience be your guide where it could be said that moral, ethical, political, or other considerations, such as personal animosity, would not permit you to make a fair and impartial decision. In disqualifying yourself, do not state your reasons inasmuch as the mere stating of your reasons can be construed as exerting undue influence on your fellow members. To avoid all accusations of undue influence, it's generally wise to leave the room and ask that the records show that you did so and that you did not indicate by word or action whether you were in favor of, or opposed to the matter under discussion.
- Do Rotate the Seating in some regular manner each successive meeting. This will prevent the forming of little cliques.
- Do be Polite and Impartial. Be as helpful as possible to the nervous, the frightened and the uneducated. Be patient with the confused.
- Do be Attentive. Those appearing before you have probably spent hours preparing and rehearsing their arguments. The least you can do is listen and make them think that you are as interested as you should be. Refrain from talking to other members, passing notes and studying unrelated papers.



## Tips, Tools & Techniques | The Riggins Rules (continued)

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- Don't Interrupt a Presentation until the question period, except for very short and necessary clarifying remarks or queries. Most applicants have arranged their remarks in logical sequence and the item about which you're concerned will probably be covered if you can force yourself to be quiet for a few minutes.
- Don't Permit a Person to Directly Question or interrogate other persons in the audience. All questions should be addressed to the Chair and to the hearing body. Do not permit anyone to demand answers to all questions especially if it is obviously done for the purposes of harassment.
- Don't Use First Names in addressing anyone during the course of the hearing. This includes audience, applicant, members of your particular body, even if the person concerned is your brother or your best friend. Nothing, repeat nothing, creates a more unfavorable impression than this practice. It is poor hearing manners that destroys the formality of an occasion and causes people to think that some sort of "buddy-buddy" deal is about to be consummated.
- Do show Great Respect for the Chair, and always wait to be recognized. This will set an example for applicants and others wishing to be heard. It will contribute a great deal toward the orderliness of the proceedings.
- Don't Indulge in Personal Attacks, and don't permit anyone else to do so.
- Don't Try to Make the Applicant or Any Other Person appearing before you look like a fool by the nature of your questions or remarks. This is often a temptation, especially when it is apparent that someone is being slightly devious and less than forthright in this testimony. But don't do it. If you must "expose" someone, do it as gently and kindly as possible.
- Don't Become Involved in Altercations. Some persons come to hearings with the express purpose of causing trouble. If you answer their irrelevant ranting, you're immediately involved in a fight. Don't answer or try to defend yourself. You're there to hear testimony and make decisions based thereon, not to head up a debating society.
- Do Invite Interested Persons to Come Forward where they can see when an applicant is discussing or talking from a diagram, site plan, or exhibit which is not visible to the audience.
- Do Not Permit People to speak from the audience. If it's important enough for them to speak at all, it's important enough for them to be recognized, come forward, give their name and address and say what they care to, if their remarks are pertinent.



## Tips, Tools & Techniques | The Riggins Rules (continued)

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- Do Not Permit People to leave the podium and microphone and approach closer to the hearing body except in unusual circumstances, usually to show a small exhibit or to explain some detail. This ordinarily breaks down into a small mumbling session at one end of the dais with one or two members or the hearing body; the others are uncertain about what is going on. The conversation usually does not get recorded, cannot be heard by the audience, and is almost impossible to control from the Chair.
- Don't Become Involved in Neighborhood Quarrels or you'll wind up as a referee. Stick to the merits of the case and rule out-of-order testimony which is irrelevant, personal, hearsay and not pertinent to the matter being heard.
- Don't be Vindictive and "punish" the applicant, staff or community member for some real or imagined affront to you or your panel on some previous occasion, perhaps bearing no relation to the present hearing. It must be assumed that he/she is there legally, he/she has a right to be heard, and he/she has a right to fair and impartial hearing on the merits of a case without reference to something that he/she might or might not have done in the past or will perhaps do in the future.
- Don't try to be a Hero. Be sympathetic, but objective. Don't get carried away with such a strong desire to help that you throw the rulebook out the window. Ninety-nine times out of a hundred you will do them some questionable service at the expense of their neighbors or the City and your kind-hearted action will come back to haunt you much sooner than anyone could have imagined. Stick to the rules.
- Do Not Fail to Give a Reason when making a motion for approval, or denial of an applicant's request. If you fail to do this, the applicant, any objectors, a reviewing body of higher authority or the courts may well assume that your decision was an arbitrary one not supported by the facts and should be reversed. Always mention the staff information.
- Do Not Take Staff Information Lightly. These options, information, and recommendations are made after study by professionals, and are based on pertinent laws, ordinances, regulations, policies and practices developed by the local decision-making body. Your job is to temper this recommendation with information developed during the hearing, which may not have been available to the staff.
- Don't Forget that the Staff is There to Help. Staff is composed of capable professional people with technical experience. Remember that their usual practice is to remain silent unless they're specifically asked to comment. Most consider it presumptuous and unprofessional to inject any unsolicited comments into the hearing. Always ask staff to comment prior to a final vote.



## Tips, Tools & Techniques | The Riggins Rules (continued)

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- Don't Try to Answer Technical Questions even if you're sure that you know the answer. You probably don't and will wind up looking like a fool. Refer these matters to the staff. That is one of the things they are there for. They have intimate day-by-day working experience with all pertinent ordinances and can nearly always give a timely, up-to-the-minute professional dissertation on any subject in their field.
- Don't Show Any Displeasure or Elation, by words or action, over the outcome of a vote. This is very bad hearing manners and won't lead to the maintenance of a friendly cooperative spirit among members of a panel.
- Do Discourage any Post-Mortem Remarks by the applicant, objectors, or members after the final vote and decision is announced.
- Do Not Hesitate to Continue a Case or Take it Under Advisement if more information or greater deliberation is necessary. Don't use administrative actions to avoid or delay making a decision before a hostile applicant or audience.
- Don't Select a Chairman on a Seniority Basis Alone and don't pass the office along from member to member as a reward and honor. The nicest guy in the world, the hardest working, the most interested and your most valuable member can be indescribably horrible in the Chair. This is just one of those facts of life which is hard to explain, but unfortunately, is all too true. As an occasion presents itself, give a prospective chairperson the chance to head up a sub-committee, report on special projects, and otherwise prepare himself or herself and to demonstrate their abilities and leadership under pressure.



## Tips, Tools & Techniques | On-camera tips for meetings in the Kiva

---

### Using the microphones (“mic” is the shorthand term)

Although the Kiva is a beautiful and striking meeting place, it is a concrete-walled chamber where sound waves bounce like ping-pong balls. Consequently, it is very important that board and commission members meeting in the Kiva pay particular attention to the use of their microphones. The three main requests from CityCable:

1. Turn your mic on
2. Speak up
3. Turn your mic off

A few more details:

On the dais, remember to turn your mic on to speak and off after you are finished. Leaving too many mics on at one time creates feedback. And, the public may hear “side” comments you make to a fellow commissioner.

Speak directly into your microphone. Keep it three to four inches from your mouth. Try to avoid leaning back or moving your head from side to side as you speak.

Speak clearly, project and avoid mumbling. A microphone will not compensate for speaking too softly or mumbling.

If you are closer to the microphone than recommended, your “p’s” and other consonants will “pop.”

Please don’t blow or shout into the microphone; this may cause damage.

Don’t worry if your voice sounds loud, as long as you are following the points listed above. It’s difficult to judge volumes in the Kiva from the dais, and the CityCable crew will adjust the volume if there is a problem. The city staff rarely receives complaints that volume levels in the Kiva are too high during meetings.

Do worry if it is apparent that the audience cannot hear you. Make sure you are speaking into the microphone and that you are projecting as much as possible. The most common audio problems in the Kiva occur when speakers talk too softly, fail to project or fail to speak into their mics.

If you suspect technical problems with your microphone, please alert City staff immediately, so that they can inform the CityCable crew. It is important that members of the audience and citizens watching at home are able to hear your comments and those of your fellow board or commission members.



## **Tips, Tools & Techniques | On-camera tips for meetings (continued)**

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If you are chairing the committee or board, please do not hesitate to ask speakers at the podium to adjust the microphone, speak into the microphone or speak louder. Speakers at public meetings may be inexperienced or nervous (but even experienced speakers sometimes forget to use the mic). You may need to interrupt speakers, but remind them that it is important for everyone to hear them.

### **Dressing for TV**

Avoid rich and primary colors. Mid-range colors work best. Examples are medium blue, green, rose, lavender, brown, pink, purple, peach and rust. Other good options: light to medium gray, medium to dark yellow, soft red and dark cream.

Avoid small patterns, stripes and plaids. They can “vibrate” on TV!

Avoid very light or very dark clothes, and do not wear white suits or white shirts or blouses without a coat. Pure white tends to wash out your face on TV.

If possible, choose jackets, blouses, shirts and sweaters with strong shoulder lines.

Avoid wearing jewelry that might reflect light into the camera or bump into the microphone, and try not to wear anything that would be overly distracting.

### **Makeup**

It may be advisable to use some powder to keep your face from shining.

The most effective eye shadow colors for camera are gray taupe, bronze and apricot. Use an ivory colored shadow for highlighting. White is too harsh. Avoid iridescent shadows.

Lipstick colors should be clear. Frosted lipsticks have a tendency to make the mouth look “muddy” and the teeth look yellow. The best choices are clear, rust, rose or soft red. These colors will give the mouth the best definition on TV.

### **General**

Remember that “on camera” means “ON CAMERA.” You never know when the lens may be on you. Always be aware of your facial expressions.

Control your movements and keep gestures and motions natural. Be aware of your posture, but be relaxed.

If your coat tends to bunch up on your shoulders, tuck it under before you sit down.

TAB

Appendix



## Appendix | Scottsdale Quick Facts

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**Incorporation:** Scottsdale was incorporated June 25, 1951.

**Charter:** The City Charter was adopted Nov. 16, 1961.

**Population (2020 U.S. Decennial Census):** 241,361 estimated.

**Size:** 184.5 square miles, stretching 31 miles from North to South.

**Size Rank:** Fourth in total area and sixth in population within Arizona.

**Elevation:** 1,150-4,877 feet above sea level.

**Longitude & Latitude:** 111.93 degrees W, 33.50 degrees N

**Climate:** Average minimum and maximum temperatures ranges from 55.7 °F to 84.6 °F; average precipitation is 7.66 inches per year; and the average is 314 sunny days per year.

**Median Age:** 47.7 years.

**Median Household Income:** \$84,601 estimated.

**Education Level:** The population is composed of 57.2% with bachelor degree or higher, 32.5% with an associate degree/some college, and 12.6% with a high school diploma.

**City Budget:** The adopted budget for Fiscal Year 2021/22 is \$1,785,714,153

**Financial Rating:** Since April 2002, Scottsdale continues to maintain the highest possible rating (AAA) for its general obligation bonds from the three ratings' agencies, Fitch's, Moody's and Standard & Poor's.

### Tax Rates:

- **Property Tax** - The City's Fiscal Year (FY) 2021/22 primary property tax rate is approximately 52 cents per \$100 of assessed valuation. The City's FY 2021/22 secondary property tax rate is approximately 50 cents per \$100 of assessed valuation. Real property is valued annually by the County Assessor for assessment of property taxes. Primary taxes are for the maintenance and operations of taxing districts. Secondary taxes are for voter-approved improvement projects, redemptive charges on bond indebtedness, and special district assessments.
- **Retail Sales Tax** - 1.75% city, 0.70% county, 5.60% state = 8.05 % combined
- **Transient Occupancy Tax (Bed Tax)** - 5.0 percent of the room rate

**Slogan:** "The West's Most Western Town"



# EMPLOYEE VALUES

## **PLAN AND INNOVATE FOR THE FUTURE**

We continuously explore new possibilities and develop unique solutions to common challenges. We take appropriate risks and strive to be innovative in planning for our changing environment and preparing for the future. We consider how our work will be sustained by future generations.

## **LISTEN, COMMUNICATE, TAKE ACTION**

At all levels of the organization, we listen to what our customers, our citizens, and our fellow employees have to say. We communicate to ensure we understand what is being said. We take appropriate action to address or resolve issues or concerns.

## **RESPECT THE INDIVIDUAL**

We believe in the integrity of others and in creating an environment of mutual respect. We value one another, regardless of who we are, what we do, where we work, where we live, where we are from, our ethnicity, age, or gender, because we bring unique perspectives to our jobs and personal lives.

## **COLLABORATE AS A TEAM**

We effectively collaborate in formal or informal teams, within and across departments, and with citizens, to accomplish organizational goals and to identify and resolve problems.

## **LEARN & GROW CONTINUOUSLY**

We encourage the learning and applications of new skills and information for improved performance, business results and career growth.

## **FOCUS ON QUALITY CUSTOMER SERVICE**

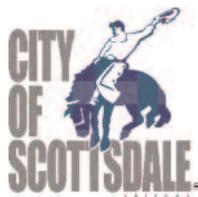
We provide quality service and strive to exceed the expectations of our customers.

## **BE ACCOUNTABLE & ACT WITH INTEGRITY**

We are accountable for our actions and decisions. We have uncompromising integrity. We are responsible for the stewardship of public funds and organizational resources.

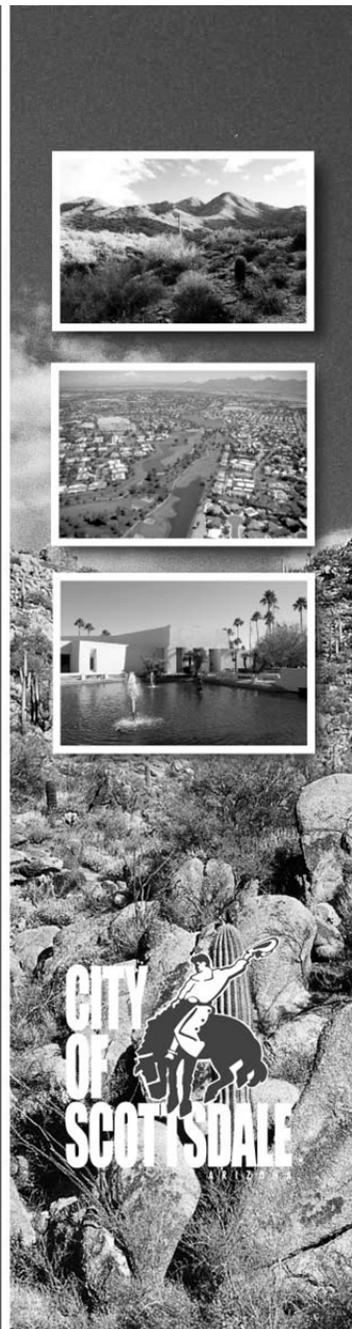
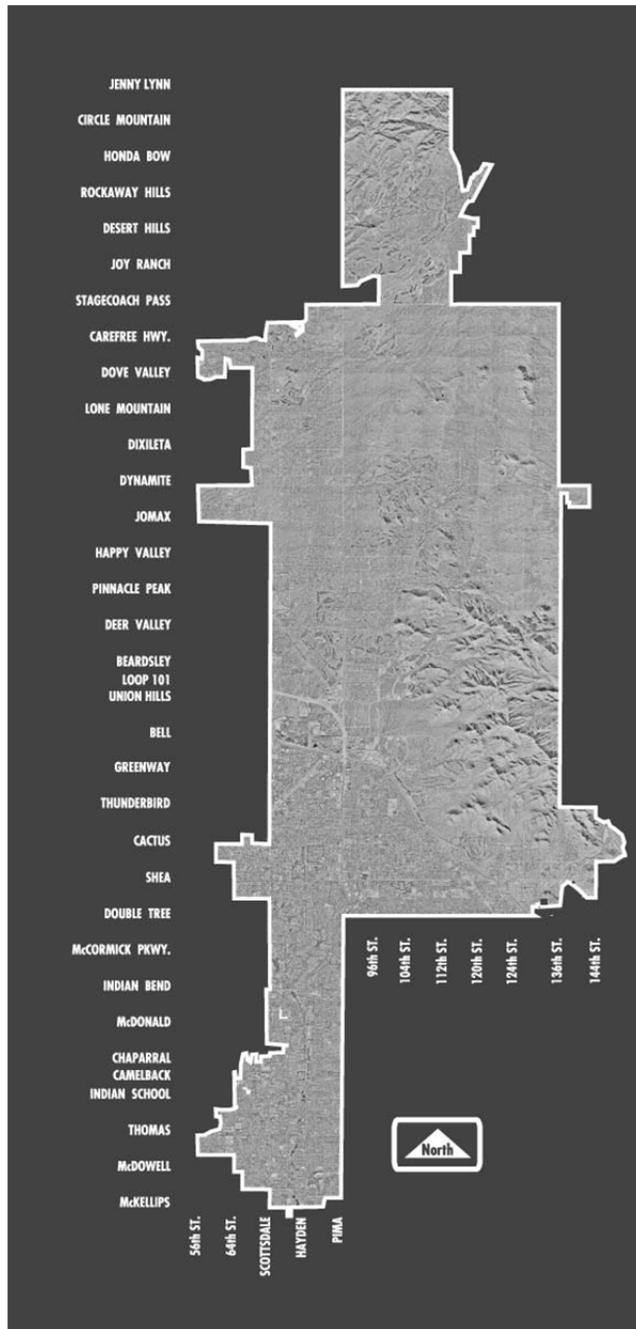
## **SHOW CARING & COMPASSION FOR OTHERS**

We show and share compassion for others (citizens, customers and other employees) in times of need. We believe in helping.





## Appendix | City Map





## Appendix | Board and Commission meeting dates and times

---

**[Airport Advisory Commission](#)**

3<sup>rd</sup> Wednesday, 5 p.m.

**[Board of Adjustment](#)**

As needed, 1<sup>st</sup> Wednesday, 6 p.m.

**[Building Advisory Board of Appeals](#)**

3<sup>rd</sup> Thursday, 5:15 p.m.

**[Citizens' Bond Oversight Committee](#)**

As needed

**[Development Review Board](#)**

1<sup>st</sup> and 3<sup>rd</sup> Thursday, 1 p.m.

**[Environmental Advisory Commission](#)**

3<sup>rd</sup> Wednesday, 5:30 p.m.

**[Historic Preservation Commission](#)**

1<sup>st</sup> Thursday, 6 p.m.

**[Human Relations Commission](#)**

2<sup>nd</sup> Monday, 5 p.m.

**[Human Services Advisory Commission](#)**

2<sup>nd</sup> & 4<sup>th</sup> Thursdays, 5 p.m.

**[Industrial Development Authority](#)**

As needed

**[Judicial Appointments Advisory Board](#)**

As needed.

**[Library Board](#)**

3<sup>rd</sup> Wednesday, 3 p.m.

No meetings July/August.

**[Loss Trust Fund Board](#)**

As needed, twice a year

**[McDowell Sonoran Preserve Commission](#)**

1<sup>st</sup> Thursday, 5 p.m.,

No meetings Jan/July/Aug/Dec

**[Neighborhood Advisory Commission](#)**

4<sup>th</sup> Wednesday, 5 p.m.

**[Parks and Recreation Commission](#)**

3<sup>rd</sup> Wednesdays, 4 p.m.

**[Personnel Board](#)**

As needed.

**[Planning Commission](#)**

2<sup>nd</sup> and 4<sup>th</sup> Wednesdays, 5 p.m.

**[Protect and Preserve Scottsdale Task Force](#)**

As needed, twice a month

**[Public Safety Personnel Retirement Boards](#)**

3<sup>rd</sup> Thursday

**[Tourism Development Commission](#)**

3<sup>rd</sup> Tuesday, 9 a.m.

**[Transportation Commission](#)**

3<sup>rd</sup> Thursday, 5:15 p.m.

**[Veterans Advisory Commission](#)**

1<sup>st</sup> Wednesday, 5 p.m.



## Appendix | Board & Commission Web site

Links to every board and commission, as well as information on current vacancies, application forms, current applications, the Ethics Code and updated orientation material are available online at <http://www.ScottsdaleAZ.gov/boards>.

The screenshot shows the website for the City of Scottsdale's Boards & Commissions. The page includes a search bar at the top, a navigation menu, and a list of various boards and commissions. A section titled 'UPCOMING MEETINGS' lists several meetings for the week of January 4th to 6th, 2017.

Board/Commission	Upcoming Meetings
Airport Advisory Commission	
Board of Adjustment	
Building Advisory Board of Appeals	
Development Review Board	
Environmental Quality Advisory Board	
Historic Preservation Commission	
Human Relations Commission	
Human Services Commission	
Judicial Appointments Advisory Board	
Library Board	
Loss Trust Fund Board	
McDowell Sonoran Preserve Commission	

**UPCOMING MEETINGS**

**Wednesday, Jan, 04**

- 5:00 PM Parks and Recreation Commission - Regular - 01-04-17
- 6:00 PM Board of Adjustment-Cancellation Notice-01-04-2017

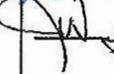
**Thursday, Jan, 05**

- 11:00 AM PSPRS - Police - Local Board Meeting - 01-05-17
- 1:00 PM 1-5-17\_Development Review Board- Regular Meeting
- 5:00 PM Council - Public Notice - 01-05-17 - Scottsdale Area Chamber of Commerce's Annual Membership Mixer & Business Volunteer Awards
- 5:30 PM Historic Preservation - Regular Meeting Date - 01-05-17

**Friday, Jan, 06**

- 8:00 AM Council - Public Notice - 01-06-17 -

## AR386 – Identification Badges

	<b>Responsible Department:</b> Municipal Security	<b>Effective Date:</b> 3/01/2016
	<b>Approvals:</b>  Brian K. Blesemeyer, Acting City Manager  Alan G. Rodbell, Chief of Police <i>FOR CHIEF RODBELL</i>	<b>Date Approved:</b> 2/23/2016 2/23/2016

### 1.0 PURPOSE

- 1.1. The purpose of this Administrative Regulation ("AR") is to establish standard policies and procedures regarding City identification badges (badges).
- 1.2. To establish guidelines and procedures for the positive identification of City of Scottsdale employees, contract workers, volunteers, contractors, board and commission members, and others authorized to work or who are present on City property. This will help increase the safety of employees and citizens, protect City property, improve security of City facilities and enhance customer service.

### 2.0 APPLICABILITY

- 2.1. This AR applies to all City of Scottsdale employees, contract workers, volunteers, contractors, board and commission members, and others authorized to work or conduct business on City property.
- 2.2. This does not apply to contractors and others authorized to work or conduct business on City property who are:
  - 2.2.1. Working in open areas in a maintenance or construction capacity.
  - 2.2.2. Working or volunteering for the McDowell Sonoran Conservancy, or for another non-profit organization with whom the City has a contractual relationship which includes use of City facilities (for example, the Scottsdale Cultural Council, Scottsdale's Museum of the West, or the Scottsdale Charros, among others).
  - 2.2.3. Working in buildings under construction which have not yet been turned over to the City (non-commissioned buildings).
  - 2.2.4. Working City-sponsored special events as volunteers.

## AR386 – Identification Badges

### 3.0 POLICY

#### 3.1. City of Scottsdale Employees

3.1.1. City of Scottsdale employees, contract workers, contractors, volunteers, board and commission members and visitors will receive a City ID badge based on the chart below.

Badge Type	Front of City ID Badge						Back of Badge	
	City Symbol	Dept. Logo	Function	Badge/Lanyard Color	Name	Position/Rank	Full Name	Date Issued
City	X	N/A	Employee (Blank)	Blue	First Name	X	X	X
Police	X	X	Police	Blue	First Initial. Last Name	X	X	X
Fire	X	X	Fire	Blue	First Initial. Last Name	X	X	X
Non-City Employee	X	N/A	Contractor	Green	First Name	N/A	X	X
Volunteer	X	N/A	Volunteer	Red	First Name	N/A	X	X
Board/Commission Member	X	N/A	Board/Commission Name	Orange	First Name	N/A	X	X
Visitor	X	X	Visitor	White	Blank	N/A	N/A	X

3.1.2. Any non-City employee working in a critical facility or infrastructure will be vetted via the Arizona Criminal Justice Information System (ACJIS) Interstate Identification Index (III Criminal History) prior to issuance of an identification badge (AR 387).

3.2. Individuals who have been issued a badge must wear it at all times in a conspicuous location with their picture and name visible when they are at work and on City property, or performing City business (does not include off site training, conferences or seminars).

3.2.1. If wearing a badge creates a safety issue, a City employee or non-City worker may be authorized to not wear it. Authorization may only be given by that employees or worker's Supervisor or Sponsor in advance of the work.

3.2.2. Uniformed fire and police personnel are not required to wear their City ID badge while in uniform.

3.2.3. Any person not wearing their badge because of exemptions listed above must be able to immediately produce the badge upon request.

3.3. A City ID badge shall remain in the exclusive possession and/or control of the individual to whom it was issued. It shall not be given or lent to any other individual for any purpose.

3.4. Do not affix stickers, emblems, tapes, pins, or other items to the badge in any manner.

3.5. The badge will be worn attached to either the official City of Scottsdale breakaway color coded lanyard or clip provided.

3.5.1. City of Scottsdale employees may, with supervisor approval, wear an appropriate non-City of Scottsdale lanyard.

## AR386 – Identification Badges

- 3.6. The badge is the property of the City of Scottsdale and the employee or non-employee must surrender it as requested or upon completion of service to the City.
- 3.7. Supervisors or sponsors will retrieve the badges of all employees or non-City of Scottsdale employees upon completion of their service to the City.
- 3.8. As necessary and applicable, to ensure a secure work environment and/or provide quality customer service, individual divisions may utilize generic, non-picture badges for identifying visitors.
  - 3.8.1. Any such generic visitor badges will be issued to the division by the Municipal Security Division.
  - 3.8.2. Visitor badges should be kept in a secure location.
  - 3.8.3. Each division is responsible for creating a sign in/out procedure for visitor badges.
  - 3.8.4. Each visitor badge shall be accounted for at the end of each business day.
- 3.9. Identification badges and their photo will be legible at all times. Any badge that is faded or otherwise damaged will be replaced.
- 3.10. Badge photos will be released in response to a public records request.

### 4.0 PROCEDURES

- 4.1. A portal has been developed for City ID badge requests (new badges, changes to existing badges, name changes, damaged or faded badges etc.):
  - 4.1.1. The individual department's SP3/sponsor/employee fills out the portal request for a badge.
  - 4.1.2. The following items must be provided;
    - 4.1.2.1. Reason for new request.
    - 4.1.2.2. Type of employee (full time, part time, temporary, etc.).
    - 4.1.2.3. Applicant field is the employee's legal name (Last, First)
    - 4.1.2.4. Preferred first name if different from legal name.
    - 4.1.2.5. Job title of new employee.
    - 4.1.2.6. Work phone number of new employee.
    - 4.1.2.7. Supervisor/Authorizer's name (Last, First)
    - 4.1.2.8. Department name
- 4.2. City of Scottsdale employees will have their picture taken and a badge issued at New Employee Orientation (NEO).
- 4.3. The exceptions to the above-defined procedures are as follows:
  - 4.3.1. With permission of the Municipal Security Manager, volunteers and temporary workers may be photographed by their respective departments.
    - 4.3.1.1. The photo is to be attached to the badging portal when making the request.
    - 4.3.1.2. All photos taken by non-municipal security personnel must have a solid blue background in the photo and must be of high enough quality to recognize the individual. No articles can be worn

## AR386 – Identification Badges

during the photo process (i.e. hats, sunglasses, bandanas, etc.) that may hinder the identification of the individual

- 4.3.1.3. The employee or the employee's supervisors will pick-up the completed badge from the Municipal Security office.
- 4.4. Non-City of Scottsdale Employees;
  - 4.4.1. Sponsors of non-City of Scottsdale employees must make arrangements for the individual to have a photo taken and a badge issued by Municipal Security.
  - 4.4.2. Who have access to critical facilities or infrastructure will be vetted prior to issuance of a badge.
- 4.5. Lost Badge;
  - 4.5.1. If an individual loses their badge, they must report the loss to their supervisor/sponsor immediately.
  - 4.5.2. The supervisor/sponsor will report the loss to the Municipal Security Division as soon as possible to ensure that electronic access is disabled.
  - 4.5.3. The supervisor/sponsor will request a replacement badge using the Badge Portal.
  - 4.5.4. A replacement badge will be issued by Municipal Security within 4 business days after approval from the supervisor.
  - 4.5.5. If the lost badge is subsequently found, it must be surrendered to Municipal Security immediately.
- 4.6. Name Changes;
  - 4.6.1. Individuals that have a legal name change as a result of a court order (marriage, divorce, etc.) must report it to their supervisor/sponsor within ten (10) working days.
  - 4.6.2. The supervisor/sponsor will then request a replacement badge in the employee's new name.
  - 4.6.3. Name changes will not be processed without legal documentation of the name change approved by Human Resources.
- 4.7. Terminations and Suspensions;
  - 4.7.1. When an individual separates employment, service, or otherwise ends their assignment with the City, it is the responsibility of the individual to return his/her badge and the immediate supervisor/sponsor to collect the individual's badge and return it to Municipal Security.
  - 4.7.2. In cases where an individual is put on administrative leave, non-disciplinary suspension or suspension, it is the responsibility of the individual to return the badge and the supervisor to collect and hold the individual's badge until the disposition of the leave or suspension is determined. The department manager or designee will notify Municipal Security immediately of all administrative leaves or suspensions so all access can be disabled.

## 5.0 RESPONSIBILITIES

- 5.1. All City officials, employees and representatives shall adhere to this AR. Upper level management is responsible to ensure the overall management of this AR within their respective divisions, departments or offices.

## AR386 – Identification Badges

- 5.2. The Municipal Security Division of the Police Department is responsible for management of the identification badge program. This includes the creation and distribution and/or changes of pictured identification badges and visitor's badges to individual divisions.
- 5.3. Individual divisions are responsible for the management and control of visitor badges.
- 5.4. Municipal Security is responsible for reviewing compliance of division visitor badge programs.

### 6.0 OVERSIGHT/REVIEW

- 6.1. All employees shall receive training at new employee orientation concerning this AR and specific division, department or office policies and procedures, appropriate to their assigned duties. Employees who knowingly violate this AR are subject to discipline up to and including termination.
- 6.2. Municipal Security is responsible for the overall administration and enforcement of this AR citywide.

### 7.0 DEFINITIONS

- 7.1. **Board and Commission Member** is any volunteer appointed by the City Council to a City board or commission pursuant to the City Charter and the Scottsdale Revised Code.
- 7.2. **City property** is defined as: City owned, leased or controlled property such as office buildings, parks, mall areas, preserve areas, well sites, pump stations, citizen service centers and other areas in which the employee may be required to conduct work.
- 7.3. **Critical Facilities or Infrastructure** is defined as any City of Scottsdale property that meets the definition found within A.R.S. Section 13-1501 as determined by the Municipal Security Manager and the sponsoring Department
- 7.4. **Badge Portal** is the computer application used to request any badge or modifications to existing badges.
- 7.5. **Sponsor** is defined as: Any person that is responsible for requesting badges for non-City of Scottsdale employees (staff contact or contract administrator).
- 7.6. **Vetting** The process of performing a background/Criminal History check on someone before allowing them access to critical Infrastructure of the City.
- 7.7. **Open areas** is those City Facilities that are outside of city buildings or secure facilities, including City Park Field Areas and City Roadway Rights of Way.

### 8.0 RELATIONSHIPS TO ADOPTED POLICIES AND ORDINANCES

- 8.1. AR 384 Access to City Facilities
- 8.2. AR 385 Work Place Security
- 8.3. A.R.S. Section 13-1501
- 8.4. AR 387 Vetting of Non-City of Scottsdale Employees

### 9.0 LINKS TO SUPPORTING DOCUMENTS

## AR386 – Identification Badges

9.1 For new badges, changes to existing badges, name changes etc. click on <http://apps/MunicipalSecurity/Request>

### **10.0 REVIEWED/AMENDED DATE(S) AND NOTES ON SIGNIFICANT CHANGES:**

10.1. Original Effective Date was July 01, 2002.

10.2. Amended March 01, 2006, March 18, 2010.

10.3. Complete review and update February 23, 2016.

10.3.1. Change from badge request forms to using the IT portal.

10.3.2. Color of badge and lanyard modifications.

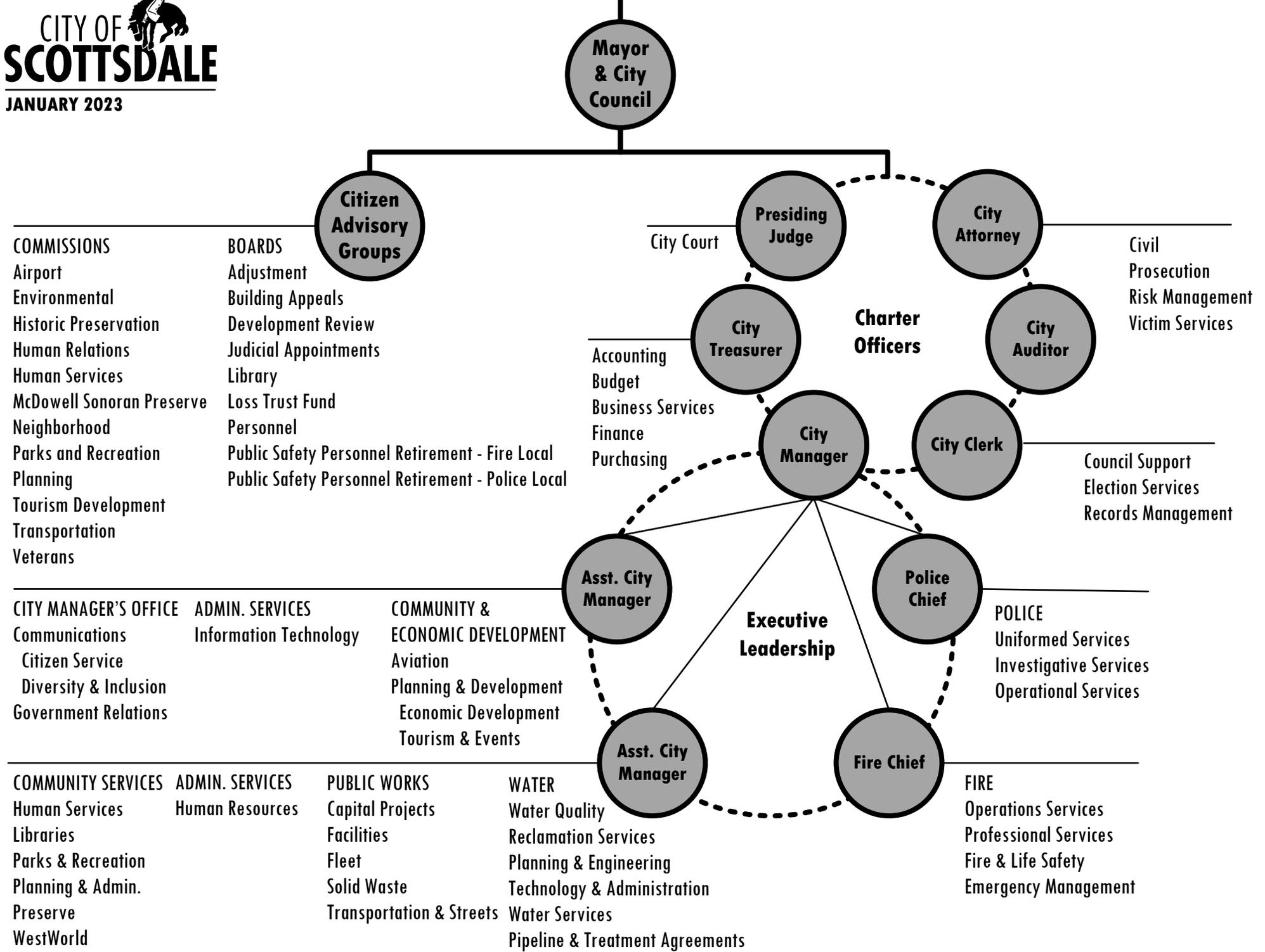
10.3.3. Addition of non-city employees.

10.3.4. Visitor badge program.



JANUARY 2023

# Scottsdale Citizens



### Mayor

David D. Ortega..... 480-312-2433  
David Simmons, Chief of Staff ..... 480-312-7806

### Scottsdale City Council ..... 480-312-2550

Councilwoman Tammy Caputi  
Councilmember Tom Durham  
Councilwoman Betty Janik  
Councilmember Barry Graham  
Councilwoman Kathy Littlefield  
Councilwoman Solange Whitehead

### City Attorney

Sherry Scott, City Attorney ..... 480-312-2405  
Lori Davis, Deputy City Attorney..... 480-312-7739  
Joe Padilla, Deputy City Attorney ..... 480-312-2501  
Luis Santaella, Deputy City Attorney ... 480-312-7771

### City Auditor

Lai Cluff, Acting City Auditor ..... 480-312-7756

### City Clerk

Ben Lane, City Clerk ..... 480-312-2411

### City Court

Marianne Bayardi, Presiding Judge .... 480-312-2772  
Chris Phelps, Court Administrator ..... 480-312-2775

### City Treasurer

Sonia Andrews, City Treasurer ..... 480-312-2603  
Anna Henthorn, Accounting Director ... 480-312-7805  
Judy Doyle, Budget Director ..... 480-312-2603  
Whitney Pitt, Business Services Dir. .... 480-312-5925  
Gina Kirklin, Enterprise & Finance Dir... 480-312-5006  
Robert Schoepe, Purchasing Dir. .... 480-312-5706

### City Manager

Jim Thompson, City Manager ..... 480-312-2800  
Assistant City Managers  
Bill Murphy\* ..... 480-312-7275  
Brent Stockwell\* ..... 480-312-7288  
Communications  
Kelly Corsette, Director^ ..... 480-312-2336  
Government Relations  
Dale Wiebusch, Director^ ..... 480-312-2683

### Public Safety

- Fire ..... 480-312-8000  
Tom Shannon, Fire Chief\*
- Police ..... 480-312-1900  
Jeff Walther, Police Chief\*

### Administrative Services

- Human Resources ..... 480-312-2615  
Monica Boyd, Director+
- Information Technology ..... 480-312-7615  
Bianca Lochner, Chief Information Officer^

### Community Services

- Bill Murphy, Executive Director\* ..... 480-312-7275
- Human Services+
  - Preserve+
  - WestWorld+
  - Kira Peters, Administrator+. ..... 480-312-2691
  - Libraries
  - Parks & Recreation

### Community &

#### Economic Development

- Aviation ..... 480-312-7735  
Gary Mascaro, Director^
- Planning & Development Services .... 480-312-2664  
Erin Perreault, Executive Director^
  - Economic Development
  - Tourism & Events

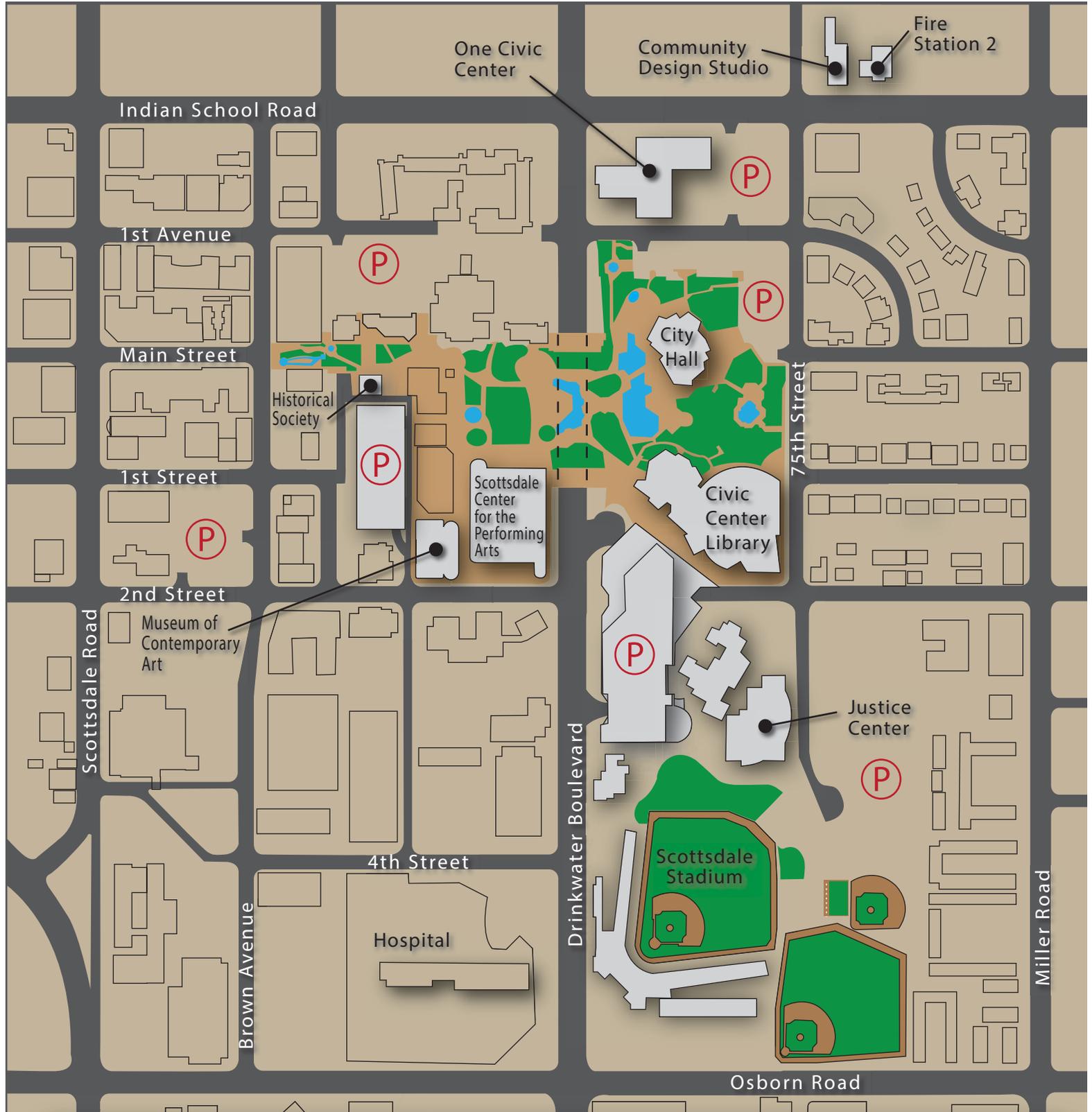
#### Public Works

- Dan Worth, Executive Director+ ..... 480-312-5555
- Capital Projects
  - Facilities
  - Fleet
  - Solid Waste
  - Street Operations
  - Transportation

#### Water

- Brian K. Biesemeyer, Exec. Director+ ..480-312-5685
- Water Quality
  - Reclamation Services
  - Planning & Engineering
  - Technology & Administration
  - Water Services
  - Pipeline & Treatment Agreements

\* Reports to Jim Thompson, City Manager  
+ Reports to Bill Murphy, Asst. City Manager  
^ Reports to Brent Stockwell, Asst. City Manager



# SCOTTSDALE CIVIC CENTER

