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**August 20, 2025**

**To: The Citizens of Scottsdale and the City Council**

**From: Luis E. Santaella, Interim City Attorney**

**Re: Non-agendized Public Comment (“Open Calls to the Public”)**

**Purpose: *A Guide to Non-Agendized Public Comment and Meeting Decorum***

I am writing to clarify the rules and procedures governing non-agendized public comment during Scottsdale City Council meetings, and to reinforce the City’s commitment to transparency, civility, and lawful public participation.

**Introduction: *Guiding Council Procedure and Upholding Transparency***

As the City Attorney, I serve as the Parliamentarian during City Council meetings. This means I help guide the Council on how to follow the official Rules of Procedure. If there’s a question about how a meeting should be run, such as how to handle a Point of Order or a Point of Privilege, the Mayor or any Councilmember can ask me for advice. While the Mayor as Presiding Officer makes the call on these matters, I provide the legal and procedural background to support and inform these decisions. The Presiding Officer’s rulings may be appealed to the full City Council.

If a Councilmember disagrees with a procedural ruling by the Presiding Officer and appeals it, I can help explain the rules involved and make a recommendation. However, the full City Council ultimately decides the outcome by vote.

In addition to this role, I am also responsible for helping the City comply with Arizona’s Open Meeting Law. Pursuant to the Scottsdale Revised Code § 2-51(c), I am encouraged to “vigorously promote and enforce” these laws and to be proactive in ensuring that our meetings reflect the City’s commitment to transparency and openness.

In summary, I play a key role in advising on procedural matters and ensuring compliance with Arizona’s Open Meeting Law. This includes promoting transparency and protecting the public’s right to participate in government in a civil and respectful way.

**Clarifying Public Comment: *Understanding Rules for Speaking at Council Meetings***

There has been some confusion recently about how non-agendized public comment works during Council meetings—especially during what’s known as the “open call to the public.” In Scottsdale, this is listed on the agenda as Public Comment.

Here’s what you need to know:

- **Who can speak:** Public Comment is reserved for Scottsdale residents, business owners, and property owners.

- **What you can speak about:** You may speak on topics that are **not** on the meeting agenda, but **they must be within the City Council's jurisdiction.**
- **Political advocacy is prohibited:** State law prohibits using this time to advocate for or against political candidates or ballot measures.
- **Speaking opportunities:** There are two public comment periods. One towards the beginning of the meeting and one towards the end of the meeting. The Presiding Officer has the discretion to combine these two opportunities.
- **Time limits:** Under the current rules each speaker is limited to three minutes and a maximum of five speakers is permitted per public comment period. You may also present a citizen petition during this time.

These rules are based on Arizona Revised Statute § 38-431.01(I), which allows public bodies like the City Council to hold an open call to the public on matters within its jurisdiction subject to reasonable time, place, and manner restrictions. Councilmembers may only respond to such comments by asking staff to follow up, by requesting that a topic be added to a future agenda or by responding to criticism—but they cannot discuss or take action on items that aren't officially listed on the agenda. Pursuant to Rule 7.6 of the Council Rules of Procedure, any such responses are to occur **at the end of all the public comments. There can be no back and forth.**

It's also important to understand that Council meetings are considered limited public forums under the First Amendment. This means that while public participation is encouraged, the City can set rules to ensure that meetings stay focused, respectful, and within legal boundaries.

### ***Civility in Council Meetings: A Foundation for Respectful Public Discourse***

Civility is a cornerstone of Scottsdale City Council meetings. It ensures that all participants, elected officials, staff, and members of the public, can engage in meaningful dialogue in a respectful and orderly environment. The City's commitment to civil discourse is reflected in the official Council Rules of Procedure.

### **What the Rules Say:**

Under **Rule 10: Debate and Decorum**, the Council has adopted clear standards for behavior during meetings:

- The **Presiding Officer** is responsible for maintaining order and may rule on any disruptions or breaches of decorum. If the Presiding Officer fails to act, any Councilmember may by Point of Order request the Presiding Officer to enforce the Rules.
- **Councilmembers** shall preserve order and decorum and shall not delay or interrupt Council proceedings or refuse to follow the direction of the Presiding Officer or the Council Rules of Procedure. Councilmembers may, however, interrupt proceedings for the purpose of making a Point of Order.
- **City staff and members of the public** must also observe the same standards of decorum including standards relating to civility. Disruptive behaviors, such as shouting, applause, or demonstrations, are not permitted.

The Council has also formally adopted the **Principles of Civil Dialogue**, which guide ALL participants to:

- **Genuinely listen** to understand others' perspectives.

- **Speak respectfully**, even when disagreeing.
- **Be accountable** for one's words and actions.

### **Why Civility Matters: *Fostering Constructive Participation in Council Meetings***

Civility is not just a matter of etiquette—it is essential to effective governance and public trust. It allows:

- **All voices to be heard** without fear of intimidation or disruption.
- **Meetings to proceed efficiently**, with focus on the issues that matter.
- **Legal compliance**, reducing the risk of procedural challenges or violations.

By fostering a culture of respect and accountability, Scottsdale ensures that its Council meetings remain a model of democratic engagement.

### **Conclusion: *A Shared Commitment to Respectful Participation***

As we continue to engage in the important work of local governance, I encourage all participants: residents, staff, and elected officials alike to uphold the values of civility, transparency, and mutual respect. By following the Rules of Procedure and embracing the principles of civil dialogue, we ensure that Scottsdale's City Council meetings remain a space where every voice can be heard and every concern considered in a constructive and lawful manner. Thank you for your continued commitment to our community.