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October 3, 2025

To: The Citizens of Scottsdale, the City Council, and Board and Commission Members

From: Luis E. Santaella, Interim City Attorney

Re: Public Notices of Quorum and Public Safety

Purpose: *Clarifying the Legal Framework and Public Safety Considerations Surrounding Quorum Notices*

This memorandum is intended to clarify the legal requirements and public safety implications related to quorum notices (also known as public notices) issued by the City of Scottsdale. It also outlines my professional recommendation, following consultation with the City Manager and Chief of Police, regarding the future issuance of such notices.

My Role: *Chief Legal Advisor and Prosecutor for the City*

As the City Attorney, I serve as the chief legal advisor to the City of Scottsdale. In addition to this responsibility, I also serve, independently, as the chief prosecutor for the City. In this role, I am responsible for prosecuting both state and city misdemeanors that occur within Scottsdale's jurisdiction. One of the core objectives of prosecution is to protect the community and keep people safe.

I bring over 25 years of experience in law enforcement and prosecution, including many years as the legal advisor to the Scottsdale Police Department. This background informs my approach to both legal compliance and public safety.

Open Meeting Law: *Understanding When a Quorum Does Not Constitute a Meeting*

Under the Arizona Open Meeting Law, a public body may only deliberate or take action in meetings that are properly noticed and agendaized. However, there are occasions when a quorum of a public body—such as the City Council or Planning Commission—may be present at a community event, dinner, wedding, or other function. In such cases:

- Their presence does not constitute a meeting of the public body.
- They are not permitted to discuss matters that are likely to come before them in their official capacity.
- There is no legal requirement to notify the public in advance of their attendance.

- There is no legal entitlement for members of the public to attend unless the event is otherwise open to the public.

As a courtesy, the City of Scottsdale has historically issued “quorum notices” to inform the public that a quorum may be present at a given event. These notices typically include the location, date, and time of the event and clearly state that no public business will be conducted.

Evolving Threat Landscape: *Public Safety and the Discontinuation of Quorum Notices*

In recent months, the United States has witnessed a disturbing rise in political violence, including the assassinations of Charlie Kirk and Minnesota lawmaker Melissa Hortman. The level of rhetoric and tension has become increasingly concerning—both nationally and locally.

Some events for which quorum notices have been issued may have minimal or no security. In light of these developments, the City has a strong and legitimate interest in protecting its public officials from potential harm.

After consulting with City Manager Greg Caton and Chief of Police Joseph LeDuc, it is my professional legal and public safety recommendation that the City of Scottsdale discontinue the issuance of quorum notices and related community meeting notices. These notices are not legally required, and their continued publication may inadvertently increase security risks for elected and appointed officials.

Conclusion: *Balancing Transparency with Safety*

While transparency remains a cornerstone of Scottsdale’s governance, it must be balanced with the real and evolving need to protect public officials. The discontinuation of quorum notices and related community meeting notices reflects a measured, lawful, and safety-conscious approach to public administration.

Accordingly, I am requesting City Clerk Ben Lane and city staff that support boards and commissions to discontinue the issuance of quorum notices and related community meeting notices. This action is consistent with our legal obligations and our shared responsibility to safeguard those who serve the public. The City Clerk and his staff will be modifying the City’s community calendar appropriately to reflect the direction outlined in this memo.

I remain committed to advising the City Council and the City on matters of legal compliance, transparency, and public safety. Thank you for your continued trust and partnership in maintaining Scottsdale as a safe and well-governed community.

Copy: City Manager Greg Caton, City Clerk Ben Lane, Chief of Police Joseph LeDuc, City Treasurer Sonia Andrews, Acting City Auditor Lai Cluff, Fire Chief Tom Shannon