

TEMPE CITY COUNCIL RULES OF PROCEDURE

RULE 1. GENERAL RULES

- A. Rules of Journal (City Charter Section 2.10(b): The City Council shall determine its own rules, order of business, conduct of public meetings, and shall provide for keeping a journal of its proceedings. This journal shall be a public record.
- B. Written Rules, Order of Business and Procedure: The rules, order of business, and procedure of the City Council shall be in writing and be available to all interested citizens.

RULE 2. CONFLICT OF INTEREST

The provisions of Arizona Revised Statutes (A.R.S.) Title 38, Chapter 3, Article 8, §§ 38-501 to 38-511, inclusive, are incorporated herein by reference. The Mayor or a Councilmember shall make known any “substantial interest” as required by A.R.S. § 38-503 by completing and filing a form provided by the City Clerk with the City Clerk, who shall post the form on the City’s website.

RULE 3. CITY COUNCIL MEETINGS

The City Council shall meet regularly at least once each month at such times and places as the City Council may prescribe. Special meetings may be held on the call of the Mayor or of four or more Councilmembers. All meetings shall be open to the public, except Executive Sessions which may be held for the purposes allowed by law. Study Sessions, Issue Review Sessions and Special Meetings are permissible to brief Councilmembers on various issues, including the items on the agenda of a City Council meeting. Councilmembers may attend City Council meetings telephonically, or by other technological means. All public meetings and proceedings shall conform to the requirements of A.R.S. Title 38, Chapter 3, Article 3.1, §§ 38-431 to 38-431.09 (“Arizona Open Meeting Law”), inclusive.

RULE 4. THE CITY COUNCIL AGENDAS

Staff Procedure: All reports, communications, ordinances, resolutions, contracts, documents or other matters to be submitted to the City Council shall be delivered to the City Clerk, with a copy to the City Manager.

- 1. The Mayor, City Manager and City Clerk shall review the agendas and background information material the week preceding the Council meeting. The City Clerk shall notify the Mayor of any revisions to the meeting agendas that occur after the review. The Mayor has discretion to delete or add items to the agendas, except those items specifically requested by Councilmembers in conformance with these rules.
- 2. The City Clerk shall electronically disseminate copies of the agendas and background material to the Mayor and City Council on the Friday prior to the meetings.
- 3. The agendas shall be made public in advance of the meeting by posting in

Revised 09/05/2024

accordance with the Arizona Open Meeting Law. Such action shall be taken concurrently with the furnishing of the agendas to individual members of the City Council.

4. Councilmembers may add items to the meeting agendas as follows:
 - a. Regular Council Meetings, Special Meetings, Issue Review Sessions, and Work Study Sessions: Request by two Councilmembers provided to the City Manager to forward to the Mayor for review. Any two of these three members of the City Council have the authority to approve the addition of the proposed agenda item. If approved, the Mayor will notify the City Manager of the agenda item. In addition, an agenda item may be added at the request of the Mayor.
 - b. Committee of the Whole: Request by one Councilmember to the City Manager.
 - c. Late agenda items requested after the agendas have been disseminated may be added only after consultation with the Mayor.

RULE 5. REGULAR CITY COUNCIL MEETING ORDER OF BUSINESS

The Order of Business for a Regular Council Meeting shall be:

1. MOMENT OF SILENCE
2. PLEDGE OF ALLEGIANCE
3. MINUTES
 - A. Approval of City Council Meeting Minutes
 - B. Acceptance of Board, Commission and Committee Meeting Minutes
4. REPORTS AND ANNOUNCEMENTS
 - A. Mayor's Announcements
 - B. City Manager's Announcements
5. PUBLIC APPEARANCES – The public body is prohibited by state law from discussing, responding to or taking action on matters raised during the call to the public that are not specifically listed for legal action by the Council elsewhere on the agenda, but the Council may respond to criticism, ask staff to review a matter, or request a matter to be placed on a future agenda. If a member of the public requires a reasonable accommodation under the Americans with Disabilities Act of 1990 to attend or participate in the Public Appearances, please speak to a staff member of the City Clerk's Office at least seventy- two (72) hours prior to the scheduled meeting.

If necessary to assure adequate time for Council business, Public Appearances may be limited by the Mayor to an aggregate total of sixty (60) minutes. No person shall speak more than once and there is a limit of three (3) minutes per speaker.

Revised 09/05/2024

In the interest of allowing all members of the public to have an opportunity to speak, in the case that there is such a large number of persons intending to speak during the meeting that it may deprive other members of the public from the reasonable opportunity to speak, the Mayor may limit each speaker to less than three (3) minutes. Speakers present at the podium must state their name and city of residence and provide a speaker card. Speaker cards may also be filled out via the city's website at www.tempe.gov/clerk at least two (2) hours before the meeting. See Rule 11, Section 4 for additional rules of decorum. For those appearing virtually, a speaker card must be completed and submitted at least two (2) hours prior to the meeting in order to appear. Speakers will be taken first come, first serve in the order in which the cards are received. Speakers not choosing to appear in person or virtually may submit written comments which will be added to the record. Speaker's visual aids, and appearances by phone or recordings are not allowed.

6. CONSENT AGENDA
 - A. Miscellaneous Items
 - B. Award of Bids/Contracts
 - C. Resolutions

7. NON-CONSENT AGENDA
 - A. Miscellaneous Items/Bids/Contracts/Resolutions
 - B. Ordinances and Items for Introduction and First Hearing
 - C. Ordinances and Items for Second Hearing and Final Adoption

- 7.1 Presentations. The Mayor may limit the time for presentations and discussion during any public hearing or other discussion item as necessary to expedite the Council's business. Guidelines for presentation times shall be as follows:
 - A. Staff Presentation (if any): 10-15 minutes.
 - B. Applicant Presentations 15 minutes
 - C. Other interested Party presentations (as permitted): 10 minutes
 - D. Applicant Rebuttal following any public comment: 5-10 minutes

8. CURRENT EVENTS/COUNCIL ANNOUNCEMENTS/FUTURE AGENDA ITEMS

9. PUBLIC APPEARANCES (CONTINUED) – Rules for speaking during the second public appearance item shall be the same as stated earlier.

RULE 6. ISSUE REVIEW SESSIONS OR WORK STUDY SESSIONS

Issue Review Session or Study Session agendas typically include:

1. Call to the Audience
2. Issue Review Session items for briefing and discussions
3. Committee of the Whole and/or Ad Hoc Committee items for Council direction or status update
4. Future Agenda Items
5. Mayor's Announcements/City Manager's Announcements

Revised 09/05/2024

RULE 7: COUNCIL SUBCOMMITTEES

1. Any combination of two or three members of the Council (including the Mayor) constituted for the purpose of making recommendations concerning decisions to be made or courses of conduct for the Council shall be referred to in these Rules as a "Subcommittee".
2. Subject to the limitations set forth below, a Council Subcommittee may be formed in either of the following manners:
 - A. The Mayor may establish one or more Council Subcommittees and charge them with their powers, duties, and responsibilities by filing a writing to that effect with the City Clerk and announcing the formation of the Subcommittee at the next regularly scheduled meeting of the Council; or
 - B. Any two other Members of the Council may propose the formation of a Subcommittee at a Work Study Session of the Council by identifying the purpose of the proposed Subcommittee and the proposed members of the Subcommittee and obtaining approval of the majority of the Council.
3. The Mayor shall appoint and remove the Councilmembers and/or chairperson(s) for each Subcommittee established by the Mayor. A member of a Subcommittee formed by proposal from a Councilmember other than the Mayor may only be removed from the Subcommittee by an affirmative vote of a majority of the Council. Provided, however, if a two-person Subcommittee is formed by proposal from a Councilmember other than the Mayor, the Mayor may from time to time designate an additional Councilmember to serve as a third member of that Subcommittee. The Mayor may also appoint a replacement member of any such Subcommittee in the event of the resignation or inability to serve as one of the Subcommittee members.
4. Only the Mayor and Councilmembers may officially serve on a Subcommittee. However, in conducting its business, a Subcommittee may engage stakeholders, hear presentations from staff and other interested speakers and may invite appropriate Tempe Board and Commission members, to serve as nonvoting members. Stakeholders and other interested persons shall be recorded in the records of the Subcommittee and may participate in presentations and discussions at the discretion of the chair(s) as noted in advance on the agenda.
5. Subcommittees may include a call to the audience for members of the public and interested participants at each meeting as prescribed by Rule 11, Section 4.
6. Decisions will be made by consensus of the participating Councilmembers, instead of formal voting. The Subcommittees may develop a work plan to guide and focus their work around specific or proposed performance measures.
7. Each Subcommittee shall provide a written status update every (30) thirty days or following

Revised 09/05/2024

each meeting if the Subcommittee meets less often than every thirty days. The updates shall be included in the Committee of the Whole agenda materials.

8. The Subcommittee will report back to the Committee of the Whole with its recommendations. The Subcommittee will make reasonable efforts to reach consensus before bringing a proposal to the Committee of the Whole.
9. The Subcommittee chair or co-chairs, as assigned, shall determine the agenda for Subcommittee meetings with the staff liaison and consistent with the Subcommittee's purpose and function as appointed by the Mayor or City Council.
10. Subcommittees may be established for a designated period of time or indefinitely. Each Subcommittee shall be reassessed every twelve (12) months after its formation. However, if an established Subcommittee should fail to hold a meeting within any 180 day period, the Subcommittee shall be deemed to be terminated unless the Subcommittee's existence is extended by the Mayor.
11. Subcommittees are subject to the Arizona Open Meeting Law and may meet at a designated time at least quarterly, unless otherwise approved by the Mayor.
12. A Councilmember may not propose any additional Subcommittees to the Council if two Subcommittees proposed by such Councilmember are already in existence.
13. No Subcommittee shall be formed for a purpose when another existing Subcommittee has already been formed for that same or similar purpose. No Subcommittee shall include the same or substantially similar topic or issue on its agenda as that which is actively being considered by another Subcommittee. The Mayor shall have authority to determine if there is a conflict or overlapping issues between Subcommittees and, in the event such conflict or overlap has been determined, the Mayor may direct which Subcommittee should consider such matter after considering the purpose for which each Subcommittee was formed.
14. To the extent applicable by their plain meaning, these Rules and the Rules of Decorum for Council meetings shall apply to Subcommittee meetings unless otherwise determined by the Subcommittee chair(s).
15. No member of the Council shall be appointed as a member of a Subcommittee without such Councilmember's consent.

RULE 8. QUORUM REQUIRED

A majority (fifty (50) percent plus one) of the City Council or Council Committee shall constitute a quorum. In order to comply with A.R.S. § 38-431.01(A), 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 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).

Revised 09/05/2024

RULE 9. PRESIDING OFFICER

The Mayor, or in the absence of the Mayor, the Vice Mayor, shall take the chair at the hour appointed for the City Council to meet and shall immediately call the Councilmembers to order. The presiding officer shall serve as the City Council Parliamentarian. The City Clerk shall enter in the minutes of the meeting the names of the Councilmembers present.

RULE 10. TEMPORARY CHAIR

In case of the absence of the Mayor and the Vice Mayor, the City Clerk shall call the City Council to order. If a quorum is present, the City Council shall proceed to elect, by a majority vote of those present, a Councilmember to preside over the meeting.

RULE 11. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to the City Council.

1. During City Council meetings, Councilmembers shall preserve order and decorum and shall not delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or the Rules of the City Council. Every Councilmember desiring to speak shall address the Chair, upon recognition by the presiding officer shall confine all comments to the question under debate, and shall avoid all personalities and indecorous language. Once recognized, a Councilmember shall not be interrupted while speaking unless called to order by the presiding officer or unless a point of order is raised by another Councilmember. If a Councilmember is called to order while speaking, the Councilmember shall immediately cease speaking until the question of order is determined. If ruled to be in order, the Councilmember shall be permitted to proceed. If ruled to be not in order, the Councilmember shall remain silent or shall alter all remarks so as to comply with the rules of the City Council. If the presiding officer fails to act, any Councilmember may move to require the presiding officer to enforce the rules, and the affirmative vote of the majority of the City Council shall require the presiding officer to act.
2. The presiding officer shall have the authority to preserve decorum in meetings. Any remarks shall be addressed to the Chair and to any or all Councilmembers. Without permission from the presiding officer, no staff member, other than the staff member who has the floor, shall enter into any discussion, either directly or indirectly.
3. All persons attending City Council meetings shall observe the same rules of propriety, decorum, and good conduct applicable to members of the City Council. Any person making personal, impertinent, or slanderous remarks, or who becomes boisterous while addressing the City Council or while attending the City Council meeting, shall be removed from the room if so directed by the presiding officer. Unauthorized remarks from the audience, stomping of feet, whistles, yells, or similar demonstrations shall not be permitted by the presiding officer, who shall direct the

Revised 09/05/2024

removal of such offenders from the room. Should the presiding officer fail to act, any member of the City Council may move to require the presiding officer to enforce the rules, and the affirmative vote of the majority of the City Council shall require the presiding officer to act.

4. Any members of the public desiring to address the City Council during a public hearing item or a Call to the Audience shall be recognized by the Chair, shall state their name and city of residence in an audible tone for the record, and shall limit their remarks to the items on the agenda under discussion. Any remarks shall be addressed to the Chair and to any or all Councilmembers. There is a three-minute time limit per speaker.

RULE 12. RIGHT OF APPEAL

Any Councilmember may appeal a ruling of the presiding officer to the City Council. If the appeal is seconded, the Councilmember making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling, but there shall be no debate on the appeal, and no other Councilmember shall participate in the discussion. The presiding officer shall then ask the question, "Shall the decision of the Chair be sustained?" If a majority of the Councilmembers present vote "Aye," the ruling of the Chair is sustained; otherwise, it is overruled.

RULE 13. LIMITATION OF DEBATE

Without permission of the presiding officer, no member of the City Council or Public shall be allowed to speak more than once upon any one subject until all Councilmembers have had an opportunity to speak, nor for a longer time than five minutes. Citizen groups shall be represented in presentation to the City Council by one of the group's members.

RULE 14. ROLL CALL VOTE

The roll shall be taken for ayes and nays upon any questions before the City Council. It shall be out of order for members to explain their vote during the roll call. There shall be no additional debate or speaking on the subject after the vote is taken.

RULE 15. MOTIONS TO BE STATED BY PRESIDING OFFICER – DEBATE AND WITHDRAWAL

When a motion is made and seconded, it shall be so stated by the presiding officer before debate commences. The Councilmember who made the motion shall be given the first right to speak. A Councilmember desiring to speak to the motion shall address the Chair, and upon recognition shall have the right to speak. A Councilmember desiring to ask a question of a colleague or city staff, shall address the question through the Chair. A motion may not be withdrawn by the mover without the consent of the Councilmember seconding it.

RULE 16. MOTIONS OUT OF ORDER

The presiding officer may not at any time permit a Councilmember to introduce an ordinance, resolution, or motion out of the regular order as set forth in the agenda.

Revised 09/05/2024

RULE 17. MOTION TO ADJOURN, WHEN NOT IN ORDER, NOT DEBATABLE

A motion to adjourn shall be in order at any time, except as follows:

- a. when repeated without intervening business or discussion;
- b. when made as an interruption of a member while speaking;
- c. when the previous question has been ordered; and
- d. while a vote is being taken.

A motion to adjourn is debatable only as to the time to which the meeting is adjourned.

RULE 18. MOTION TO LAY ON TABLE

A motion to lay on the table shall preclude all amendments or debate on the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a Councilmember voting with the majority of the members present.

RULE 19. DIVISION OF QUESTION

If the question contains two or more separate propositions, the presiding officer may, or upon request of a Councilmember, shall, divide the same.

RULE 20. AMEND AN AMENDMENT

A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. If a motion to amend an amendment shall be in order, it must be voted prior to the original motion moving forward.

RULE 21. RECONSIDERATION

After the decision on any question, any Councilmember who voted with the prevailing side may move for reconsideration of any action at the same or at the next succeeding meeting, provided, however, a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a 2/3 vote of all Councilmembers, whether present or not, not disqualified from voting by an actual conflict of interest or who abstain from voting due to a potential conflict of interest; but, in no event, by less than four affirmative votes.

RULE 22. RESCIND

After the time for reconsideration has expired, any Councilmember who voted with the prevailing side may move to rescind any action. A motion to rescind shall require a 3/4 vote of all Councilmembers, whether present or not, not disqualified from voting by an actual conflict of interest or who abstain from voting due to a potential conflict of interest; but, in no event, by less than four affirmative votes.

RULE 23. SUSPEND THE RULES

These Rules may be suspended with previous notice by a 2/3 vote of all Councilmembers, whether present or not. A motion to suspend these Rules without previous notice shall require unanimous consent, whether present or not.

RULE 24. AMEND THE RULES

These Rules may be amended with previous notice by a 2/3 vote of all Councilmembers, whether present or not. A motion to amend these Rules without previous notice shall require unanimous consent, whether present or not.

RULE 25. WHAT OTHER RULES SHALL GOVERN

The rules of parliamentary practice, comprised in Robert's Rules of Order, latest edition, shall govern the City Council in all cases to which they are applicable, provided that they are not in conflict with these Rules, state law or with the Charter of the City of Tempe.