

**CITY OF KINGMAN
MUNICIPAL UTILITY COMMISSION
Council Chambers
310 N. 4th Street**

5:30 p.m.

AGENDA

Thursday, February 22, 2018

REGULAR MEETING

COMMISSION MEMBERS: Chairman Allen Burgett, Vice Chairman Aline Parker,
Toby Orr, Paul Shuffler, Mike Van Zandt,
Marvin Yarbrough, Pat Yarush

COUNCIL LIAISON: Monica Gates

CALL TO ORDER AND ROLL CALL

APPROVAL OF MINUTES

The Regular Meeting Minutes of January 25, 2018

1. PAST COUNCIL ACTION:

None

2. OLD BUSINESS: (for review, comment and/or action)

None

3. NEW BUSINESS: (for review, comment and/or action)

a) Review and Recommendation for water service to an unsubdivided parcel located on Hafley Drive, Parcel # 305-02-370. Applicant Turquoise Canyon Construction, Mike Walpola. Project ENG18-0004.

b) Review and Discussion of Parliamentary Procedures & Open Meeting Laws presented by Deputy City Clerk, Annie Meredith.

CONSIDERATION & DISCUSSION OF PUBLIC COMMENTS

Those wishing to address the Commission need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date, pursuant to A.R.S. 38.431 et al.

COMMISSIONER'S COMMENTS

Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings and requests for reports from staff.

ADJOURNMENT

ANYONE REQUIRING SPECIAL ASSISTANCE AND/OR ACCOMMODATIONS AT THE PUBLIC MEETING SHOULD CONTACT THE CITY ENGINEERING DEPARTMENT AT 928-753-8122 AT LEAST 24 HOURS IN ADVANCE, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE

Posted- Date/Time/Initials _____

CITY OF KINGMAN

MUNICIPAL UTILITY COMMISSION MEETING

Council Chambers
310 N. 4th Street

5:30 p.m.

Minutes

Thursday, January 25, 2018

<u>Commissioners</u>	<u>Staff Present</u>	<u>Visitors Signed in</u>
Allen Burgett, Chairman	Greg Henry, City Engineer	George Ripps-Fripps Mohave Land, LLC
Mike Van Zandt -Absent	Tina Moline, Finance Director	Jaimini Upadhyaya-Mohave Engineering
Toby Orr	Kathy Lind, Recording Secretary	
Aline Parker, Vice Chairman	Melody Stewart, Recording Secretary	
Paul Shuffler	Mike Prior, Assistant City Engineer	
Marvin Yarbrough-Excused		
Pat Yarush		
Council Liaison-Monica Gates		

REGULAR MEETING

CALL TO ORDER AND ROLL CALL

Chairman Burgett called the meeting to order at 5:35 p.m. with 5 Commissioners present at time of roll call. Commissioner Yarbrough was excused and Commissioner VanZandt was absent.

a) Elect and/or re-elect Chairman and Vice Chairman to the Municipal Utility Commission.

A **MOTION** by Commissioner Orr to re-appoint Commissioner Burgett to Chairman. **SECONDED** by Commissioner Yarush. **MOTION** was **APPROVED** by a vote of **5-0**.

A **MOTION** by Chairman Burgett to re-appoint Commissioner Parker as Vice Chairman. **SECONDED** by Commissioner Yarush. **MOTION** was **APPROVED** by a vote of **5-0**.

APPROVAL OF THE MINUTES

Commissioner Parker made a **MOTION** to **APPROVE** the minutes from the November 20, 2017 meeting as written. Commissioner Orr **SECONDED** the **MOTION** and it was **APPROVED** by a vote of **5-0**.

1. **PAST COUNCIL ACTION:**

- a) **On December 5th, 2017, the Kingman City Council unanimously voted to reappoint Commissioners Shuffler and Van Zandt for another three year term ending 2020.**

City Engineer, Greg Henry stated that the City Council approved the reappointment of Commissioners Shuffler and Van Zandt for another three year term.

2. **OLD BUSINESS:** (for review, comment and/or action)

None

3. **NEW BUSINESS:** (for review, comment and/or action)

- a) **Review and Recommendation for a partial sewer & water extension variance for Fripp's Ranch Tract 1964-D, ENG17-0047.**

City Engineer, Greg Henry stated that staff received an application from developer George Fripps requesting a variance for extending water and sewer in Central Street. On December 16, 2014 City Council approved water service to Fripps Ranch Tract 1964-D with the condition that water and sewer mains be extended across the entire subdivision frontage as required by the Utility regulations and Resolution No. 4927. In addition, the developer submitted a water report showing the need to extend water in Central Street to loop the system for fire flows. The sewer was not necessarily required to serve lots within the subdivision but it is City policy to extend sewer across all frontages.

Mr. Henry also said that the water extension and loop of the system in Central Street is beneficial to fire flow and water quality and recommends that this request be denied.

Mr. Fripps addressed the commission and stated that sewer extensions in Central Street would serve little purpose since the lots within the 500 foot vicinity are brand new homes with new septic systems, so it could be twenty years or more before

they would be required to extend and connect.

After some discussion about how this variance request would pass the financial burden to the existing new homes with septic systems rather than the developer and how the Utility Regulations and Resolution require that water and sewer be extended across the entire subdivision frontages. A **MOTION** was made by Commissioner Shuffler to **DENY** the sewer and water extension variance for Fripps Ranch Tract 1964-D. **SECONDED** by Commissioner Parker. **MOTION WAS APPROVED BY A VOTE OF 5-0.**

b) Review and Recommendation for water service to the subdivision Kingman Crossing South Tract 6050, Parcel number 322-06-010, ENG17-0056.

City Engineer, Greg Henry stated that the City of Kingman is the owner of 168 acres of land south of Interstate 40 at the proposed Kingman Crossing Interchange. On November 7, 2017 the City Council approved the Preliminary Plat under Resolution No. 5190. The subdivision will create three lots: Lot 1 (zoned R-R) is 17.19 acres, Lot 2 (zoned KC-PDD) is 75.86 acres and Lot 3 (zoned KC-PDD) is 51.84 acres.

The Resolution No. 5109 approved the Preliminary Plat with deferral of certain street and utility improvements. The idea was to create the new parcels and dedicate street right of ways while deferring other improvements until development occurs. Staff recommends approving water service to the subdivision with the condition that water and sewer extensions occur at the time of development in accordance with the Utility Regulations and the latest Water/Sewer Master Plans

After a brief discussion, a **MOTION** was made by Commissioner Yarush to recommend water service to the subdivision Kingman Crossing South Tract 6050, Parcel 322-06-010 with the condition that water and sewer extensions occur at the time of development in accordance with the Utility Regulations and the latest Water/Sewer Master Plans. **SECONDED** by Commissioner Shuffler. **MOTION WAS APPROVED BY A VOTE OF 5-0.**

c) Review and Discussion of Backflow Prevention for Fire Hydrant Meters.

City Engineer, Greg Henry stated at the November 20, 2017 Municipal Utility Commission meeting the Commissioners requested staff provide information about back flow protection. Public Works Director, Rob Owen supplied an attached presentation regarding backflow protection. City Engineer, Greg Henry briefly reviewed Mr. Owen's presentation and was available for questions.

Commissioner Shuffler stated that at our last meeting Tyler Angle had a question on the cost of construction water from the fire hydrants and how the rates were extremely high.

Finance Director, Tina Moline stated that our hydrant meters are charged the same

as non-residential users. Chairman Burgett stated that they have to pay for the water used and staffs time to check the connections. Commissioner Orr asked about who is responsible for providing the backflow prevention. Mr. Henry stated that the City provides the backflow prevention device.

No action was required since this was presented for information only.

d) Review and Recommendation of the 2018 Municipal Utility Commission Meeting Calendar.

With no discussion, a **MOTION** by Commissioner Yarush to approve the 2018 Municipal Utility Commission calendar as presented. **SECONDED** by Commissioner Orr. **MOTION WAS APPROVED BY A VOTE OF 5-0.**

e) Review and Recommendation of the 2018 Municipal Utility Commissions goals.

Mr. Henry stated that the City Council requested that staff provide an agenda item for each of the City Commissions so that they can discuss their goals for 2018. A Joint City Council/City Commission meeting to discuss goals has been set for Saturday, February 24, 2018 at 9:00am at Central Church (112 N 4th Street) with all commission members invited to attend.

After some discussion, the Commissioners agreed to send their goals to City Engineer Henry via email within a week to be presented at this joint meeting.

Discussion only, no action required.

4. **CONSIDERATION & DISCUSSION OF PUBLIC COMMENTS**

NONE

5. **COMMISSIONER'S COMMENTS**

None

ADJOURNMENT

Commissioner Orr made a **MOTION** to **ADJOURN** at 6:20 p.m. Commissioner Parker **SECONDED** the **MOTION** and it was **APPROVED** by a vote of **5-0.**

3A

CITY OF KINGMAN
MUNICIPAL UTILITY COMMISSION
COMMUNICATION



TO: Chairman and Commission Members

FROM: Engineering Services

MEETING DATE: February 22, 2018

AGENDA SUBJECT: Request for water service to an unsubdivided parcel located on Hafley Drive, Parcel #305-02-370. (ENG18-0004)

SUMMARY: Mike Walpola, Turquoise Canyon Construction has submitted this request for water service to an unsubdivided parcel located on Hafley Drive. (Tax Parcel # 305-02-370). The applicant intends to construct a single family residence on the property.

There is an existing 8 inch water line at the northeast corner of the subject property. Section 7.2 (A) of the City Utility Regulations requires that the property owner extend a water line across the total frontage of the property to be served if it can serve additional properties. The full text of Section 7.2 of the Utility Regulations is attached.

Staff believes that the properties to the west of this location would benefit from a water extension across the northern frontage of the subject property. The design engineer for the water line extension will need to evaluate the ability of this extension to provide minimum pressure and flow requirements per the City Utility Regulations. Staff recommends approval of the water service with the conditions that the water line be extended across the northern property frontage in the existing 50 feet wide public utility easement and the extension be designed to meet flow and pressure requirements of the City Utility Regulations.

ATTACHMENTS:

MUC Application
Maps
Utility Regulations Section 7.2
Comment Memo
Record of Survey 21/92



CITY OF KINGMAN
ENGINEERING DEPARTMENT

MUNICIPAL UTILITY COMMISSION
UTILITY SERVICE APPLICATION FOR REVIEW

310 N. 4th Street Kingman, AZ 86401 Ph: (928) 753-8122 Fax: (928) 753-8118

Date: Jan. 24th 2018

Applicant Information:

Name: Turquoise Canyon Construction Company Name: _____
Phone: 928 278 3605 Fax: _____
Address: 36 Mindy Dr. Somerset, NJ 08873 City, State, Zip: _____
Email: mikewalpola@yahoo.com

Agent Information (if applicable):

Name: Mike Walpola Company Name: _____
Phone: 928 278 3605 Fax: _____
Address: 36 Mindy Dr. Somerset, NJ 08873 City, State, Zip: _____
Email: mikewalpola@yahoo.com

Application For:

- Water Service to Unsubdivided Parcel (\$250 application fee)
- Water Service to Subdivision (\$250 application fee)
- Other (please explain or attach additional sheets as needed): _____

Site/Project Information:

Mohave County Tax Parcel Number: 305-02-370
Property Address: Hafley Drive (House number upon issuance of Bldg. permit)
Proposed Facility or Use for Water Request: Home/Residence

Applicant Signature: DML Walpola

CITY OF KINGMAN ENGINEERING DEPARTMENT USE ONLY			
Date Received: <u>1/25/18</u>	Received By: <u>KL</u>	Date Admin Complete: <u>1/25/18</u>	
COK Project Number: <u>ENG18-0004</u>		Fee Paid: <u>\$ 250.00</u>	
Check Number: <u>4230</u>	Charge Card Type: <u>—</u>	Receipt Number: <u>COK0758</u>	

**AGREEMENT FOR THE WAIVER OF CLAIMS FOR DIMINUTION IN VALUE OF
PROPERTY UNDER A.R.S. §12-1134**

This agreement is entered into this 25th day of January 2018, by and between Inquisit Canyon Construction (Owner) and the CITY OF KINGMAN, an Arizona Municipal Corporation, (City).

RECITALS

- A. The Owner owns certain real property located within the City or is within the City's service area. This real property is depicted and legally described in the attached Exhibit A, incorporated into this agreement by this reference; and
- B. The Owner has requested that the City enact a certain land use change directly applicable to the Owner's property and agrees that this change will increase the value and use of the land; and
- C. The Owner is aware that, as a condition of receiving approvals under the City's land use laws, the City may impose various requirements, conditions, and stipulations upon the property that will govern development of the property; and
- D. The Owner agrees and consents to all the conditions imposed by the City regarding the land use action in:
 - a. Rezoning/Zoning Change
 - b. Use Permit
 - c. General Plan Amendment
 - d. Variance
 - e. Site Plan
 - f. Subdivision
 - g. Ordinance
 - h. Development Agreement
 - i. Water/Wastewater Service
 - j. other _____ (please specify)
- E. By signing this agreement, the Owner acknowledges that Owner waives any right to claim diminution in value or claim for just compensation for diminution in value under A.R.S. §12-1134 related to the land use action as a result of the City's approval of the action in regards to the above referenced property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under A.R.S. §12-1134 as it exists or may be enacted in the future or that may be amended from time to time with regard to the subject property.

- F. This agreement in no way acquiesces to or obligates the City to perform any legislative or administrative act.
- G. This agreement, any exhibits attached hereto, and any addendum, constitute the entire understanding and agreement of the Owner and the City and shall supersede all prior agreements or understandings between the Owner and the City regarding the above referenced property in accordance with A.R.S. §12-1134. This agreement may not be modified or amended except by written agreement by the Owner and the City.
- H. This agreement is entered into in Arizona and will be construed and interpreted under the laws of the State of Arizona.
- I. If any legal action is brought by either party to enforce any provisions of this agreement, the prevailing party shall be entitled to recover from the other party reasonable attorneys' fees and court costs in such amounts as shall be allowed by the court.
- J. Within ten (10) days after the execution of this agreement, the City Clerk shall file the agreement in the Official Records of the Recorder's Office, Mohave County, Arizona.
- K. This agreement runs with the land and is binding upon all present and future owners of the above referenced property.
- L. This agreement is subject to the cancellation provisions of A.R.S. §38-511
- M. The Owner warrants and represents that Owner holds fee title to the above referenced property, and that no other person has ownership interest in the property; and agrees to hold harmless and indemnify the City in any action regarding ownership. Owner is responsible to notify the City if change in ownership of the above listed property takes place prior to approval of the land use action. Any and all Owners must sign this agreement. Additional Owner signatures must be notarized and attached to this agreement.
- N. Any Agent that signs on behalf of the Owner, personally warrants and guarantees to the City that they have the full legal power to bind Owner to this agreement. Furthermore, Agent agrees to indemnify and hold harmless the City in any action regarding ownership of the above listed property. Agent is responsible to notify the City if any change in ownership of the above listed property takes place prior to the full approval of the requested action.

**CITY OF KINGMAN
A MUNICIPAL CORPORATION**

By: Mike Prior
Printed Name: Mike Prior

I, the undersigned, hereby agree to the terms and acknowledge this document and sign below.

PROPERTY OWNER/AGENT

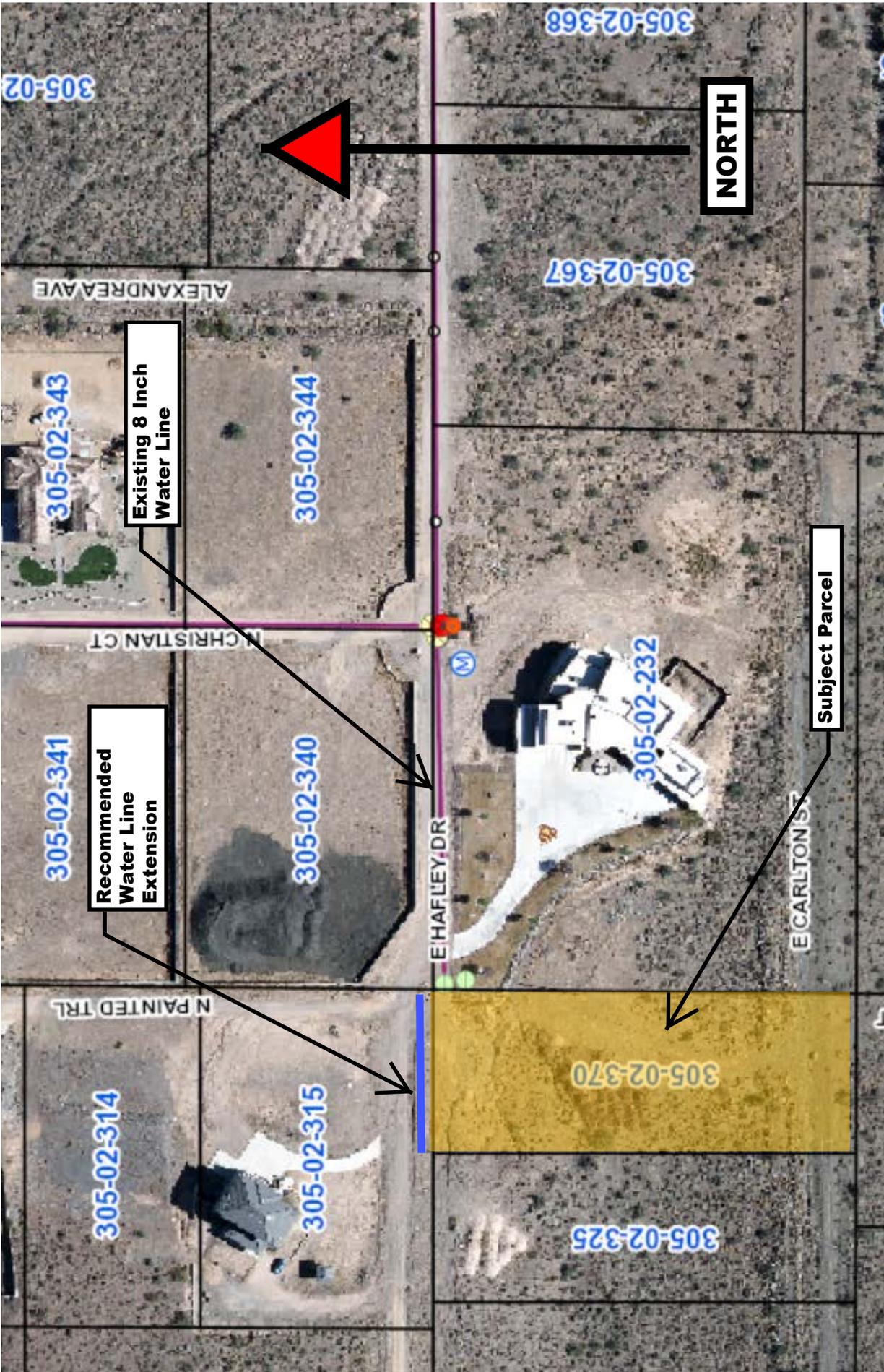
By: D.M.L. Walpola
Print Name D.M.L. WALPOLA

State of Arizona)
) ss.
County of Mohave)

SUBSCRIBED AND SWORN to before me this 24th day of April, 2018

Veronica Murchison
Notary Public
Veronica Murchison





CITY OF KINGMAN UTILITY REGULATIONS

ARTICLE VII: WATER DISTRIBUTION AND SEWER COLLECTION

7.2 LOCATION

A. Generally

1. All extensions to the City of Kingman water and sewer system shall begin at the nearest point determined to be adequate by the Water and Wastewater Superintendents. Generally water system extensions shall not be connected to transmission mains. If connection is allowed a valve shall be inserted in the transmission main adjacent to proposed tee if necessary to satisfy applicable valve spacing requirements for distribution systems. [Ord.1756, 6/18/13]

2. A public water or sewer extension shall be required to extend across the total frontage of the property to be served. In instances where, due to topography, location, or surroundings, the engineering design shows that the water or sewer line can not be extended further to serve additional properties, the City Engineer may allow the developer to end the line without crossing the total frontage.
 - a. The line must be constructed to provide for any extensions to property that can be developed.
 - b. In the case of a sewer line, a cleanout shall be provided at the end of the extension. [Ord. 714, 8/01/88]
 - c. In the case of a water line, the line shall be looped to the system or provided with a fire hydrant in the discretion of the Water Superintendent. [Ord. 714, 8/01/88; Ord.1756, 6/18/13]
 - d. Any developer who is dissatisfied with a decision under this paragraph may appeal to Council.
 - e. The requirement to extend a water or sewer line across the total frontage of the property to be served does not apply at the Kingman Airport Industrial Park. [Ord 759, 8/07/89]

- B. Public water or sewer extensions shall be installed in dedicated public rights-of-way. Extensions may be constructed in open easements upon approval of the Water or Wastewater Superintendent. [Ord. 701, 4/04/88; Ord.1756, 6/18/13]

]

7.3 DESIGN

A. Minimum Size

Memo

To: Greg Henry and Kathy Lind
From: Mike Prior
CC: File
Date: February 15, 2018
Re: Water Service to Parcel 305-02-370, Hafley Drive



Hi Greg,

Please see comments below:

1. Per Utility Regulation 7.2 (A), a public water line needs to be extended across the property frontage along the northern boundary of the parcel. Parcels off of Hafley Drive are created through parcel plat splits. There does not appear to be any right-of-way through this area, but there is a 50 feet wide public utility easement and ingress/egress easement along the alignment of Hafley Drive as recorded in Book 3858/Page 429 of the County Recorder Office and shown on Record of Survey 021/092 which is located along the north boundary line of this parcel. I would recommend that a public water line be extended across the frontage of this property within this 50 feet wide PUE which is also the current alignment of Hafley Drive. There are properties to the west of this site that would benefit by the extension of this line if there are no issues with low pressure. Record of Survey 021/092 is attached.
2. Due to the elevation of this property, the water pressure at this location may be low. The ability of this extension to meet water pressure and flow requirements will need to be evaluated by the engineer for the water line extension.

3B

PARLIAMENTARY PROCEDURES

THE BASICS

WHAT IS PARLIAMENTARY PROCEDURE?

WHAT IS PARLIAMENTARY PROCEDURE?

It is a set of rules for conduct at meetings, that allows everyone to be heard and to make decisions without confusion.

WHY IS PARLIAMENTARY PROCEDURE IMPORTANT?

Because it's a time tested method of conducting business at meetings and public gatherings. It can be adapted to fit the needs of any organization. It's important that everyone know these basic rules!

TYPICAL MEETING ORDER

1. Call to Order
2. Roll Call
3. Pledge of Allegiance
(if applicable)
4. Approval of Minutes
5. Awards/Recognition
(if applicable)
6. Call to the Public
7. Old Business
8. New Business
9. Reports by Staff
10. Announcements by
Commission and
Staff Liaison
11. Adjournment

MOTIONS

A MOTION is a proposal that the entire membership take action or a stand on an issue. Motions are how members express themselves.

There are three basic types of motions that you will use:

- Main Motions: The purpose of a main motion is to introduce items to the membership for their consideration. They cannot be made when any other motion is on the floor, and yield to privileged, subsidiary, and incidental motions.
- Subsidiary Motions: Their purpose is to change or affect how a main motion is handled, and is voted on before a main motion.
- Incidental Motions: Their purpose is to provide a means of questioning procedure concerning other motions and must be considered before the other motion.

MOTIONS

Life of a Motion

1. Make a motion.
2. Second the motion.
3. Debate the motion.
4. Vote on the Motion

HOW ARE MOTIONS PRESENTED?

1. Obtaining the floor
 - Wait until the last speaker has finished.
 - Rise and address the Chairman by saying, "Mr. Chairman, or Mr. President."
 - Wait until the Chairman recognizes you.
2. Make Your Motion
 - Speak in a clear and concise manner.
 - Always state a motion affirmatively. Say, "I move that we ..." rather than, "I move that we do not ...".
 - Avoid personalities and stay on your subject.
3. Wait for Someone to Second Your Motion
4. Another member will second your motion or the Chairman will call for a second.

HOW ARE MOTIONS PRESENTED?

5. If there is no second to your motion it is lost.
6. The Chairman States Your Motion
 - The Chairman will say, "it has been moved and seconded that we ..."
Thus placing your motion before the membership for consideration and action.
 - The membership then either debates your motion, or may move directly to a vote.
 - Once your motion is presented to the membership by the chairman it becomes "assembly property", and cannot be changed by you without the consent of the members.

HOW ARE MOTIONS PRESENTED?

7. Expanding on Your Motion

- The time for you to speak in favor of your motion is at this point in time, rather than at the time you present it.
- The mover is always allowed to speak first.
- All comments and debate must be directed to the chairman.
- Keep to the time limit for speaking that has been established.
- The mover may speak again only after other speakers are finished, unless called upon by the Chairman.

8. Putting the Question to the Membership

- The Chairman asks, "Are you ready to vote on the question?"
- If there is no more discussion, a vote is taken.
- On a motion to move the previous question may be adapted.

VOTING ON A MOTION

- **By Voice** -- The Chairman asks those in favor to say, "aye", those opposed to say "no". Any member may move for a exact count.
- **By Roll Call** -- Each member answers "yes" or "no" as his name is called. This method is used when a record of each person's vote is required.
- **By Division** -- This is a slight verification of a voice vote. It does not require a count unless the chairman so desires. Members raise their hands or stand.

MOTIONS

There are two other motions that are commonly used that relate to voting.

1. **Motion to Table** -- This motion is often used in the attempt to "kill" a motion. The option is always present, however, to "take from the table", for reconsideration by the membership.
2. **Motion to Postpone Indefinitely** -- This is often used as a means of parliamentary strategy and allows opponents of motion to test their strength without an actual vote being taken. Also, debate is once again open on the main motion.

MOTIONS

Parliamentary Procedure is the best way to get things done at your meetings. But, it will only work if you use it properly.

1. Allow motions that are in order.
2. Have members obtain the floor properly.
3. Speak clearly and concisely.
4. Obey the rules of debate.

Most importantly: BE COURTEOUS

MOTIONS
SOURCE

[HTTP://WWW.ROBERTSRULES.ORG/RULES
INTRO.HTM](http://www.robertsrules.org/rules/intro.htm)

Questions?

Annual Open Meeting Law Training

Presented by the City Clerk's Office

Open Meeting Law

General Provisions

“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 [law] shall construe any provision of this [law] in favor of open and public meetings”

Open Meeting Law

General Provisions

“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.”

What does this mean?

THE PUBLIC'S BUSINESS MUST BE CONDUCTED
IN PUBLIC!

Open Meeting Law

Why Open Meeting Law matters:

- It protects the public and preserves their right to participate in government.
- It protects public officials and maintains integrity of government, ensures a better informed citizenry, and builds trust between government and citizenry.

Open Meeting Law

Who must comply with Open Meeting Law?

YOU do!

“Public body” is defined as “the Legislature, all boards and commissions of this state or political subdivision ...all standing, special or advisory committees or subcommittees or, or appointed by, the public body.

Open Meeting Law

- This includes quasi-judicial bodies (i.e. Board of Adjustments, Building Board of Appeals, etc.)
- Subcommittees are:
 - “Any entity, however designated, that is officially established, on motion and order of a public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decisions to be made or considered or a course of conduct to be taken or considered by the public body.”

Open Meeting Law

What constitutes a "meeting"?

"...the gathering, in person or through technological devices of a quorum of members of a public body at which they discuss, propose or take legal action, including and deliberations by a quorum with respect to such action."

Open Meeting Law

- A quorum is defined as:
“a majority of the members of a board or commission.”

Vacant positions do not reduce the quorum requirement.

Open Meeting Law

What constitutes a meeting?

Technological devices includes (but is not limited to):

E-mail

Website

Blogs

Tweets

Facebook

Telephone and video conferences

Texts

Any similar technologies.

Splintering the Quorum

A meeting may also occur when less than a quorum of the public body discusses a matter of city business and one or more members later discusses the matter with another member of the public body.

Open Meeting Law

Informing the Public

No meeting may take place with less than 24 hours notice to the general public and each member of the public body.

Open Meeting Law

Agendas

Agendas must include:

- Notice of the date, time, and location of the meeting.
- An agenda of “specific matters to be discussed, considered, or decided at the meeting”.
- Must contain “such information as is reasonably necessary to inform the public of the matters to be discussed or decided.
- The “other matters” must in some reasonable manner be “related” to an item specifically listed on the agenda.

Open Meeting Law

- Only items specifically listed on the agenda or matters related thereto may be discussed, considered, or decided. **If it's not on the agenda it cannot be discussed.**
- If a matter not specifically listed on the agenda is brought up during a meeting, the better practice, and the one to minimize subsequent litigation, is to defer discussion and decision on the matter until a later meeting when it can be properly listed on the agenda.
- **If action is taken on an item not properly noticed on the agenda, then that particular action violates Open Meeting Law and is null and void!**

Open Meeting Law

Calls to the Public

- An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body's jurisdiction, even though the topic is not specifically listed on the agenda.
- These are NOT required by state statute.
- You may impose a reasonable time limit on speakers.

Open Meeting Law

Calls to the Public

As a public body you have four options during call to the public:

- Respond to criticism after the close of the Call to the Public
- Ask staff to review the item
- Ask that a matter be placed on a future agenda so it can be discussed
- Sit in silence

**Call to the Public is only permitted if it is specifically listed on the agenda.

Open Meeting Law

The Public's Rights

The public has a right to:

- Attend
- Listen
- Tape Record
- Video Tape

The public has no right to:

- Speak
- Disrupt

Open Meeting Law

Sanctions for Violation

- Civil penalties of up to \$500 for each violation, plus attorney's fees and court injunctions against the offending public body or public official.
- If the public officer intentionally violated the Law, the court may remove the officer from office and assess him or her personally with the attorney's fee award.

Open Meeting Law

Sanctions for Violation

- Action taken in violation of Open Meeting Law is null and void.
- All sanctions can be enforced against a member of a public body and any person who knowingly aids, agrees to aid, or attempts to aid anyone in violating the Law.

Conflict of Interest

- It is illegal to fail to declare a conflict of interest under Arizona law or to participate or otherwise be involved in discussion on issues or contracts where such a conflict exists.
- This covers all public officers and employees of incorporated cities and towns.
- This also applies to private interests of public official's or employee's relatives.

Find out ahead of time what your conflicts are!

Conflict of Interest

In general, a conflict of interests will result when an officer or employee of a city or town or relative of an officer or employee is involved in substantial ownership or salaried employment with a private corporation doing business with the city.

A public officer or an employee may sell equipment, material, supplies, or services to the municipality ONLY AFTER public competitive bidding.

Conflict of Interest

Remote interests are so minor that they do not constitute illegal conflicts of interests.

If you have only a “remote interest” in a matter before the public body, then you can vote and participate in the discussion.

Open Meeting Law & Conflict of Interest

If you have any questions regarding Open Meeting Law or Conflicts of Interest, please feel free to contact the City Clerk's Office or City Attorney's Office.