

## **ORDINANCE 19-148**

**AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, COUNTY OF YAVAPAI, ARIZONA, AMENDING THE TOWN OF DEWEY-HUMBOLDT, ARIZONA CODE OF ORDINANCES, TITLE III ADMINISTRATION, CHAPTER 30 TOWN COUNCIL AND OFFICIALS, BY AMENDING § 30.109 PROTOCOL AT MEETINGS TO ALLOW PUBLIC COMMENT AT ALL TYPES OF PUBLIC MEETINGS.**

**Whereas**, the Town of Dewey-Humboldt Town Council desires to allow public comments without motion from council members and believes it to be in the best interest of the Town and its residents to do so.

**Now, Therefore**, Be it ordained by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, that the Town of Dewey Humboldt Code of Ordinances, Title III Administration, Chapter 30 Town Council and Officials, Section 30-109 -Protocol at Meetings, is hereby amended to read as follows (*additions in underlined upper case text, deletions in strike out text*):

### **30.109 PROTOCOL AT MEETINGS.**

**(A) Preamble.** Members of the Town Council are elected to represent their voting constituents and the citizens of Dewey -Humboldt. As such, each member of Council has the right to express his or her representation without being assailed in regard to that representation or in regards to their own personal political affiliations, religious preference, marital status, sexual orientation. Further, members of Council shall not be the subject of retribution from the Chair in any manner or form or in a manner of retribution for holding their view in all matters that come before Council. In addition, the right of a member to address the City Council on a question of personal privilege shall be limited to cases in which the member's integrity, character, or motives are assailed, questioned or impugned.

**(B) Basic rules of order.** Meetings will be conducted in accordance with the latest edition of *Robert's Rules of Order (Robert's Rules)*, with the following exceptions and changes:

(1) In case of conflict between *Robert's Rules* and the constitution or laws of the State of Arizona, the state law will prevail.

(2) In case of conflict between *Robert's Rules* and the Dewey-Humboldt code of ordinances, the code of ordinances shall prevail.

**(C) Procedures in general.**

(1) The presiding officer at any meeting shall rule on any point of order raised by a Councilmember. Only Councilmembers may raise points of order. The presiding officer shall request advice from other members of the body or an appointed parliamentarian before making a ruling. However, any member may, on

a point of order, call for a vote on the ruling and specify an alternative ruling. A vote shall then be called on the point of order and, if a majority of members vote in favor of the proposed alternative ruling, the presiding officer shall defer to the opinion of the majority of the members for that meeting of the body. Otherwise the presiding officer's ruling shall stand. The presiding officer may impose reasonable limits to the time allotted for each member to speak during the discussion phase of the proceedings, but if additional time is requested by the member, the presiding officer shall ask for a vote to extend additional time, and if a majority of members agree, the time shall be granted.

(2) The presiding officer shall not use his position as Chair of the meeting to debate other Councilmembers in a condescending manner and shall avoid questioning the motives of others or using indecorous language.

**(D) Meeting operational procedures.**

(1) A Councilmember desiring to speak shall address the presiding officer and, upon recognition, shall confine his or her comments to the agenda item, avoid discussion of personalities and indecorous language and refrain from personal attacks and verbal abuse.

(2) A Councilmember or the presiding officer who desires to ask a question of staff shall address the question to the Town Manager who shall address the question or may designate another staff member to address the question. Councilmembers shall not berate or admonish staff members or the Town Manager.

(3) A Councilmember who has been recognized and given the floor, shall not be interrupted while speaking unless called to order by the presiding officer; a point of order is raised by another member; or the speaker chooses to yield the floor. If a Councilmember is called to order, that member shall immediately cease speaking until the question of order is settled by a vote of Council. If ruled to be in order, the member shall be permitted to proceed. If ruled out of order, the member shall remain silent or may make additional remarks only in compliance with Council rules.

(4) The Mayor and Councilmembers shall comply with the Arizona open meeting law and confine their questions, comments and discussions to the agenda item under consideration by Council.

(5) The Mayor and every Councilmember have a duty to vote and shall vote on all matters except a matter involving his or her own official conduct or where he or she declares a conflict of interest, whether actual or apparent. A Councilmember who declares a conflict of interest shall leave the dais, not participate in the discussion, and refrain from influencing the votes of the remaining Councilmembers. A failure to vote or a voluntary abstention shall count as an "aye" vote unless the Councilmember has declared a conflict of interest.

(6) All motions require a second to be considered by Council. The Councilmember seconding a motion is not required to vote or speak in favor of the motion. If there is no second, the motion fails for lack of a second.

(7) Except as provided in division (D)(9), a Councilmember may change his or her opinion or vote at any time up and until the vote is taken and the final result is announced.

(8) At the request of any Councilmember, a roll call vote shall be taken. Councilmembers shall not explain their vote during the roll call but shall respond either yea or nay to the question.

(9) After a decision on a motion, any Councilmember who voted with the majority may move to reconsider the item during the same meeting at which the decision being reconsidered was made. Once a motion to reconsider has been approved by majority vote, the original motion may again be discussed. After discussion, a revote on the original motion is taken. No more than one reconsideration of an item shall be permitted without unanimous consent of the Council.

(10) During a meeting, the Mayor or a Councilmember may propose a short intermission or recess by moving to recess for a specified length of time. A motion to recess may be made while business is pending; shall not interrupt a speaker; must be seconded; is not debatable; can only be amended to change the length of the recess; cannot be reconsidered; and requires a majority vote for approval. The length of time for the recess shall not detract from finishing the meeting agenda within the limits set forth in § 30.107.

(11) An act or motion to suspend the Council rules requires a majority vote of the Council for approval and shall not be made while another motion is pending unless it directly applies to the pending motion.

**(E)** Understanding Council's intent to receive public comments prior to voting on any matter on which Council will make a decision, the presiding officer shall allow public comments on all such matters subject to the following:

(1) Prior to receiving public comments on an item, the presiding officer shall ~~poll Council to ensure Council's questions and concerns have been addressed~~ BY ASKING IF THERE ARE OTHER COUNCIL QUESTIONS OR CONCERNS.

(2) No individual member of the public shall comment more than once on any item.

(3) Comments shall be limited to three minutes per person per item.

(4) Without consent from a majority of Councilmembers, the public comment period for each item shall be no more than 15 minutes.

(5) No public comments are permitted on executive session items.

(6) ~~No~~ Public comments are permitted during ALL TYPES OF Council

~~study or work sessions~~ WITHOUT MOTION OF ANY COUNCILMEMBERS ON ALL ITEMS EXCEPT EXECUTIVE SESSION ITEMS ~~unless the item is agendaized for formal action by Council or unless a Councilmember requests an exception be made and said exception is approved by a majority of the Council.~~

(F) *Changes to the rules of order.* Additional exceptions to *Robert's Rules* may be incorporated into the Town Council's rules and procedures at any time by formally amending this chapter, provided they are consistent with the laws of the State of Arizona. Amendments to any motion may be made according to the basic *Robert's Rules*.

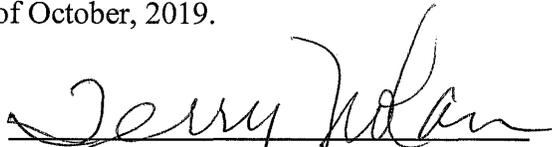
**PASSED AND ADOPTED** by the Mayor and Common Council of the Town of Dewey-Humboldt, Arizona, this 15th day of October, 2019, by the following vote:

AYES: Six

NAYES: Zero ABSENT: One

EXCUSED: Zero ABSTAINED: Zero

APPROVED this 15th day of October, 2019.

  
Terry Nolan, Mayor

ATTEST:

  
Timothy A. Mattix, Town Clerk

APPROVED AS TO FORM:

  
Bigelow Law Offices, PLC, Town Attorney  
By Kay Bigelow

I, TIMOTHY A. MATTIX, TOWN CLERK, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF THE ORDINANCE NO. 19-148 ADOPTED BY THE COMMON COUNCIL OF THE TOWN OF DEWEY-HUMBOLDT, ARIZONA ON THE 15th DAY OF OCTOBER, 2019, WAS POSTED IN THREE PLACES ON THE 16th DAY OF October, 2019.

  
Timothy A. Mattix, Town Clerk