

RESOLUTION NO. R2024-035

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF YUMA, ARIZONA, ESTABLISHING A POLICY FOR CITY COUNCIL MEETING PROCEDURES AND CALL TO THE PUBLIC GUIDELINES

WHEREAS, Arizona's Open Meeting Law, as set forth in A.R.S. § 38-431.01 *et. seq.*, governs meetings of public bodies, and Yuma City Council meetings are public meetings subject to Arizona's Open Meeting Law; and,

WHEREAS, the Yuma City Charter, Article VII, Section 5 allows the City Council to determine its own rules of procedures for its City Council Meetings; and,

WHEREAS, the Yuma City Code § 30-11 establishes general meeting provisions, including Call to the Public, for City Council Meetings; and,

WHEREAS, the Yuma City Council seeks to establish City Council Meeting procedures and Call to the Public guidelines; and,

WHEREAS, to the extent these procedures conflict with prior resolutions of City Council (or sections of resolutions of City Council), such prior resolutions shall be superseded and repealed.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Yuma as follows:

SECTION 1: The *City of Yuma City Council Meeting Procedures and Call to the Public Guidelines*, as set forth in Exhibit A, attached and incorporated in this Resolution by reference, is hereby adopted.

SECTION 2: Sections 3(B), 3(E) and 3(F) of the *City Code of Conduct for Elected Officials of the City of Yuma*, adopted as part of Resolution R2015-047, are hereby repealed.

SECTION 3: Resolution R2010-09 is repealed and replaced with the attached *City of Yuma City Council Meeting Procedures and Call to the Public Guidelines*.

Adopted this _____ day of _____, 2024.

APPROVED:

Douglas J. Nicholls
Mayor

ATTESTED:

APPROVED AS TO FORM:

Lynda L. Bushong
City Clerk

Richard W. Files
City Attorney

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Exhibit A

City Council Meeting Procedures and Call to the Public Guidelines

Yuma City Council Meetings (hereinafter, “Meetings”) are conducted in compliance with the Arizona Open Meeting Law, as set forth in A.R.S. § 38-431.01, *et. seq.* Additionally, Yuma City Code § 30-11 outlines the general provisions for Meetings, including Call to the Public. The City Council follows democratic processes in the proceedings of its Meetings. The Mayor is designated as the “presiding officer” for all Meetings. The Deputy Mayor acts as presiding officer in the absence of the Mayor.

Speaker Request Forms

Individuals wanting to address the City Council at a Meeting, including during Call to the Public, must submit a Speaker Request Form to the City Clerk. Speaker Request Forms must be returned to the City Clerk’s Office during normal business hours and prior to 5:00 p.m. on the day of a Meeting. Additionally, Forms can be filled out and returned at City Hall Council Chambers before the start of a Meeting. Individuals may also telephone the City Clerk’s Office to complete a Speaker Request Form via telephone or download and submit a Speaker Request Form from the City’s website at www.YumaAz.gov.

Public Input at Meetings

The City Council invites the public in a limited public forum to provide input during its Meetings. Individuals wishing to address the City Council may do so at several points in the meeting. Speakers may address the City Council at the following agenda sections: Call to the Public, Resolution Consent Agenda, Adoption of Ordinances Consent Agenda, Introduction of Ordinances, Public Hearings and other items as required by law. Motion Consent Agenda items are routine, administrative or housekeeping matters and are considered and enacted with one motion. There is no separate discussion or public input taken on the Motion Consent Agenda unless a City Councilmember so requests. Therefore, Speaker Request Forms are generally not accepted for Motion Consent Agenda items.

Time Limits

Members of the public who wish to speak during Meetings, including but not limited to Call to the Public, are limited to three (3) minutes. No more than five (5) speakers are permitted per topic/issue. The total time for Call to the Public is limited to thirty (30) minutes.

Call to the Public

The Arizona Open Meeting Law, A.R.S. § 38-431.01(A) applies to Meetings. The Open Meeting Law provides that Meetings must be public, meaning the public has a right to attend and listen at Council Meetings. The right to attend, however, does not include a right to speak or be heard at a Meeting.

Even though it is not required to do so, the Yuma City Council does invite the public to speak during its Meetings “subject to reasonable time, place and manner restrictions,” and it allows individuals to address the Council “on any issue within [its] jurisdiction.” A.R.S. § 38-431.01(I).

Thus, speakers during Call to the Public are subject to certain limitations. Loud, threatening, or abusive speech that actually disrupts, disturbs, or otherwise impedes the orderly conduct of a Meeting is prohibited. Similarly, speakers engaging in personal attacks, or disparaging and slanderous remarks directed at Council Members or City employees are not permitted to the extent such comments cause an actual disruption or impede the Council from conducting its Meeting.

Further, as a limited public forum created by statute (A.R.S. § 38-431.01(I)), the Council may restrict speakers from presenting comments on matters that are not relevant to, and are outside, the City’s jurisdiction/authority.

Speakers repeatedly airing the same concerns and grievances that have been fully heard in prior Meetings, to the extent such repetition impedes or disrupts the Meeting, may be restricted.

Speakers may not engage in comments that intentionally or purposefully seek to incite the imminent use of force, violence, or breaking the law where such speech is likely to incite such action.

Speakers may not engage in threats that communicate an intent to place a specific individual or group in fear of bodily harm, including Council Members and City employees.

Pursuant to the Open Meeting Law, the City Council cannot discuss or take legal action on any matter raised at Call to the Public unless it is properly noticed on the agenda for discussion and legal action. At the conclusion of Call to the Public, the City Council has the option to:

- Respond to criticism made by speakers who have addressed the public body; or
- Request the City Administrator to review an issue; or
- Request that the matter be placed on a future agenda.

Other Agenda Items and Public Hearings

Individuals may address the City Council on other agenda items such as resolutions, ordinances, and public hearings. The same rules and guidelines that apply to speakers during Call to the Public also apply to individuals speaking on agenda items or during public hearings.

Distribution of Materials by the Public

If a speaker would like to provide the City Council with additional materials or information related to a City Council agenda item, twelve (12) copies of the document shall be submitted to the City Clerk at least 48 hours prior to the City Council meeting. This affords the City Council the time to fully review the materials and for staff to provide a professional opinion to assist City Council with making an informed decision. Documents provided from the floor of the City Council meeting will be accepted. However, the complexity of the issue and materials will dictate whether the information will be considered during the Meeting or the agenda item will be continued to a future meeting.