CITY OF TUCSON

MAYOR AND COUNCIL

RULES AND REGULATIONS

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City Clerk

MAYOR AND COUNCIL

CITY OF TUCSON, ARIZONA

RULES AND REGULATIONS OF THE GOVERNING BODY

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CITY OF TUCSON, ARIZONA
RULES AND REGULATIONS
OF
THE GOVERNING BODY

I. LEGAL REQUIREMENTS

These rules are made pursuant to Chapter IX, Section 4, of the City Charter. Three certified copies of these rules and amendments thereto shall be filed with the City Clerk to be kept as a permanent public record.

A. DEFINITIONS

1. Chairman means the person presiding over the governing body; normally, the mayor.

2. Council means the persons elected councilman acting as a unit.

3. Electronic Attendance shall mean the attendance of a member of the governing body through telephonic, video, electronic or other technological means where the member is not physically present at the noticed location of the meeting.

4. Emergency Measure means actions requiring five (5) councilmen's votes.

   Not sufficient is 4 councilmen plus mayor; Nor 4 councilmen plus mayor-pro tempore. When mayor is not present, mayor-pro tempore is not counted as a councilman in voting.

5. Governing Body means the Mayor and Council, chosen, sworn and living where membership has not been terminated, acting as a unit.

6. Majority vote means majority of those voting.

7. Majority vote of Governing Body means:

   4 councilmen's affirmative votes
   3 councilmen's plus mayor's (chairman's) affirmative votes
   3 councilmen's plus vice-mayor's (acting chairman's) affirmative votes.

8. Mayor means the person elected Mayor of this City and the ex-officio chairman of the governing body.

9. Mayor-Pro Tempore means the vice-chairman; the vice-mayor.

10. Member means the mayor and councilmen individually.

11. Membership means the governing body.

12. Quorum means the minimum number of persons required to act as a governing body.

    A quorum requires: 4 councilmen.
    (Note: 3 councilmen plus the mayor is not a quorum. 3 councilmen plus the vice-mayor is a quorum.)

13. Three-quarters (3/4) vote of governing body means actions requiring 6 votes of the membership. The mayor's and mayor-pro tempore's vote is counted.

14. Vice-Chairman means a councilman selected by the governing body to act as chairman in the absence or disability of the mayor (also called the vice-mayor and mayor-pro tempore.)

15. Vice-Mayor means the vice-chairman or mayor-pro tempore.

B. THE CHAIRMAN (MAYOR)

1. Presides – The chairman shall preside at all meetings and hearings of the governing body.

2. Vice-Chairman – In the event of absence or disability of the chairman, the vice-chairman shall preside. In the absence of both, the members shall appoint a chairman.

3. Committee Appointments – May appoint and remove at will all members to committees of the governing body and name the chairmen thereof.

    a. Except as otherwise provided by law, any appointment by the Mayor to any board, commission, committee or other entity receiving more than $20,000 from the City annually shall be subject to Council approval, unless the membership of the board, commission, committee or other entity includes appointments by the Council.

4. Control of Chamber – He shall have control of the Council Chamber.

5. Decides Points of Order – He shall preserve order, decide all points of order and procedure, subject to appeal to membership. He may vote on all matters except upon his own rulings.

6. Declare Votes – Motions may be determined by viva voce vote, or at request of any member, by roll call. He shall declare all votes. If any member doubts the vote, a roll call shall be ordered.

7. Sign Documents – He shall administer oaths, and take evidence. He shall sign resolutions, ordinances, and subpoenas issued by the governing body.

8. Sergeant At Arms – He shall have the services of a sergeant at arms, as required, to preserve order and enforce the rules and orders of the chairman and membership.

9. Substitute – He may name any member to preside, but such substitution shall not extend beyond an adjournment.

C. THE CITY CLERK

1. Prepares Agenda – The City Clerk shall prepare copies of the council agenda and deliver the same to the members together with such other memoranda and communications as the chairman or membership direct.

2. Attend Meetings – The Clerk or a deputy shall attend meetings of the governing body and attest all instruments signed by the chairman.

3. Notices – Shall send out and publish all required notices.

4. Minutes – Shall prepare and maintain minutes of the proceedings and such journals and records as required.

5. Blanks Filled In – Shall fill in blanks in ordinances and resolutions before vote thereon.

6. Roll Call – Shall call the roll in the order directed by the membership. On votes, after the roll has once been called, the names of those who passed or did not vote shall again be called, and then the chairman shall be called.

7. Unsigned Material – Unsigned communications shall not be introduced to the governing body.

8. Matters Continued – Matters on the agenda which are not acted upon shall be continued upon the agenda of subsequent meetings until disposed of.

9. Furnish Rules – Shall furnish all members with copies of the parliamentary rules, City Code rules and regulations of various boards and departments as requested.

D. COMMITTEES

1. Standing Committees – Standing Committees of the governing body are:

   Agenda, whose chairperson shall be the mayor, or the vice-mayor if so designated by the mayor. The members of the governing body, or their designated representatives, shall attend as voting participants, except that no more than two members of the governing body, in addition to the mayor, or to the vice-mayor when acting as chairperson pursuant to mayoral designation, shall attend any meeting at any one time. The city manager, the city clerk, and the city attorney, or their designated representatives, shall attend as non-voting participants. In the absence of the chairperson as specified above, the city clerk or city manager, or their designated representative, shall chair the committee. In the absence of a quorum of four members of the governing body or their designated representatives at the scheduled meeting time, the agenda shall be as approved by the city manager.

2. Rules – The rules of the governing body shall apply in committee meetings.

E. AGENDA

1. Order of Business – The clerk shall prepare a written agenda for each meeting. Business matters of regular meetings shall be considered, as far as practicable, in the following order:

   a) Roll Call
   b) Invocation and Pledge of Allegiance
   c) Presentations
   d) Summary of current events
   e) Liquor licenses
   f) Call to the audience
   g) Consent items
   h) Public hearings
   i) Other business
   j) Adjournment

2. Rules Committee – The chairperson of the agenda committee shall determine the items of business to be placed on each agenda, their order of placement, and that materials relating thereto be delivered, unless overridden by majority vote of the committee members voting thereon. Items that first arise subsequent to a meeting of the agenda committee and prior to the next mayor and council meeting may be placed on the next mayor and council agenda upon approval by the chairperson of the agenda committee, but only if it is necessary that action be taken on the item at the next mayor and council meeting. Otherwise, such items shall be deferred for normal scheduling for mayor and council action or placed on the agenda for the next agenda committee meeting.

3. Change of Order – At any time after Roll Call, any member may move that the order of business be changed.

F. COUNCIL CHAMBERS

1. Described – The council chambers consist of the auditorium, the press gallery, the raised dais, and executive chambers.

2. Dais – Except by permission of the chairman or by motion of membership, no person shall have the privilege of, or be admitted to, the dais.

3. Auditorium – The auditorium shall at all public meetings be open to the public.

4. Smoking – There shall be no smoking in the auditorium.

5. Removal – The sergeant of arms shall maintain order in the auditorium, and under the direction of the chairman may remove from the chambers persons causing disturbances or otherwise violating the rules.

G. VOTING

1. To Pass Acts – Four affirmative votes of the membership shall be necessary to pass any resolution or ordinance or act of the governing body.

2. To Pass Motions – A majority of legal votes cast of those members present and voting, a quorum being present, shall carry all motions.

3. Conflict of Interest – A member shall not vote where there is a conflict of Interest and may disqualify himself in such event. When there is such a conflict of interest the member shall not debate the matter. He may, however, be excused from the dais, sit in the auditorium and as a member of the public address the membership and answer questions.

4. Pass – A "second pass" or a failure to vote by a council member shall be counted as an affirmative vote.

5. Chairman's Vote – The chairman may vote or decline to vote on all matters and his failure to vote shall not be counted as an affirmative vote.

6. Leaving Seat – When a roll call is commenced, no member shall leave his seat until the vote is disclosed.

7. Change of Vote – A member may change his vote after the roll has been completed and before announcement of the result, but not thereafter.

8. Leaving Chambers – No member shall leave the council chambers during sessions without permission of the chairman.

9. Electronic Attendance – A member may be present and participate in a meeting of the governing body by electronic attendance, subject to the following conditions:

    a. Except in cases of emergency, such as illness, the member must notify the City Clerk and chair not less than 48 hours prior to the meeting of the need to attend electronically.

    b. The member must call in to the City Clerk at the scheduled start time for the meeting and provide an individualized password to confirm the member's identity. The member also shall advise the Clerk of the member's location, phone number, and whether other persons are with the member. If the electronic connection is lost during the meeting and then reestablished, the member shall provide the Clerk with this information again.

    c. The member must participate in the roll call, at which time the Clerk will indicate that the member is attending and participating electronically.

    d. The member may vote on all matters in the same manner as those members physically present, so long as he or she was participating electronically for the discussions and presentations related to the item and not just for the vote. When a member is participating electronically, all votes shall be by roll call.

e. All reasonable efforts will be made to ensure that presentations before the governing body will be available to electronic attendees.

f. Reasonable means will be used to allow members of the public to hear or follow the participation of electronic attendees.

g. Members cannot attend or participate in executive sessions electronically.

h. Electronic attendance will not be permitted if that member's attendance is required to constitute a quorum.

i. No more than one (1) member can attend electronically at any meeting. If more than one member asks to attend a meeting electronically, preference will be given to the first to notify the Clerk.

H. MOTIONS

1. Making and Withdrawing – When a motion is made, the chairman shall state it before being debated; it shall then be in possession of the governing body but may be withdrawn at any time before debate begins or an amendment is offered. After debate, it may not be withdrawn – but tabled.

2. Dividing a Question – Upon demand, before a question is put, a question shall be divided if it includes propositions so distinct in substance that one being taken away, a substantial proposition shall remain.

3. Separate Consideration – Upon request, each amendment shall be considered separately.

4. Dilatory Motion – No dilatory motion shall be entertained by the chairman.

I. RECONSIDERATION

Motion – When a motion has been made and carried or lost, it shall be in order for any member who voted with the prevailing side to move for reconsideration of the motion.

J. READING AND PASSAGE OF ORDINANCES

All proposed ordinances shall be subject to the following requirements for passage:

1. Printed Copies Due – Typed or printed copies shall be in the possession of the governing body prior to the meeting.

2. Required Readings – Any member may request a full reading; otherwise said ordinance shall be read by number and title only. An ordinance may be passed and adopted at any time after the reading.

3. Available to Public – Copies of proposed ordinances shall be available to the public, when feasible, at the City Clerk's office not less than forty-eight hours before the hour the governing body convenes to act upon the ordinance. Should copies be not so available, said ordinance shall be ordered read in full before the vote thereon, upon request by any member of the public at the meeting.

4. Waiver – The requirement relating to reading and passing of ordinances and resolutions are considered waived by the membership voting upon them without an objection being raised.

K. READING AND PASSAGE OF RESOLUTIONS

All proposed resolutions shall be subject to the following requirements for passage:

1. Printed Copies Due – Typed or printed copies shall be in the possession of the governing body prior to the meeting.

2. Required Readings – Any member may request a full reading, otherwise said resolution shall be ready by number and title only. A resolution may be passed and adopted at any time after the reading.

3. Available to Public – Copies of proposed resolutions shall be available to the public, when feasible, at the City Clerk's office not less than forty-eight hours before the hour the governing body convenes to act upon the resolution. Should copies be not so available, said resolution shall be ordered read in full before the vote thereon, upon request by any member of the public at the meeting.

L. DECORUM AND DEBATE

1. Being Recognized – When a member desires to speak or make a motion, he shall address himself to "Mr. Mayor" or "Mr. Chairman." Upon being recognized he may address the membership.

2. First Person Recognized – When more than one member addresses the chairman, he shall name the person who is to speak, recognizing the person who first addressed the chair.

3. Interruptions – No member shall interrupt another, except to call to order or to correct a mistake.

4. Decorum – No member shall indulge in personalities, arraign motives of members, or use language tending to hold a member up to contempt.

M. PARTICIPATION BY EMPLOYEES AND PUBLIC

1. Employees Recognized – When an officer or employee of the City admitted to the dais desires to speak, that person shall address all comments to the chair and upon being recognized, state his or her name and position with the City and then speak.

2. Public Recognized – No person in the auditorium shall be permitted to speak unless recognized by the Chair. The Chair may permit persons to speak on any agenda item.

3. Identification of Speaker – A person desiring to speak, whether during calls to the audience, public hearings, or other permitted items shall address the Mayor or Chair. Upon being recognized, persons shall advance to the dais, state their name, whether they reside in the City of Tucson, and whom they represent, and the subject matter. Any persons representing a person other than themselves and who are receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker."

4. No Interruptions – No person shall interrupt legislative proceedings.

5. Procedure – Orderly procedure requires that each person shall proceed without interruption from the audience and shall retire when his or her time is up; that all comments shall be addressed to the governing body, and that there be no questioning or argument between individuals.

6. Question – During public comment on agenda items and public hearings, the members of the governing body may ask questions and make appropriate comments; however, no member should argue or debate an issue with the public speaker.

7. Public Hearings – For public hearings, including zoning matters, these provisions shall apply except that any person desiring to speak may have up to five minutes. Upon special waiver by the Chair this time may be exceeded. Public hearings shall not exceed one hour in length.

8. Call to the Audience – During a Call to the Audience, persons may address the Mayor and Council regarding any issue within the jurisdiction of the Mayor and Council, except for those matters scheduled for public hearing at that meeting. No person shall speak more than three (3) minutes. Calls to the Audience shall be limited to thirty (30) minutes.

9. No assignment of Time – If there are several speakers on a matter, one person may not assign time to another speaker. Citizen groups may select a person to make their presentation on their behalf.

10. Orderly Conduct – Persons attending meetings shall observe rules of decorum and orderly conduct. Except during a Call to the Audience item, any person who addresses the Mayor and Council shall limit his or her remarks to the agenda item about which he or she is speaking. Each person who addresses the Mayor and Council during any item, including a scheduled Call to the Audience, shall do so in an orderly manner and shall not make any remarks that are profane, obscene, or defamatory, and shall not make any remarks or gestures that are threatening towards any person. In addition, no speaker or person attending a meeting shall engage in conduct that disrupts or otherwise impedes the orderly conduct of the meeting. Unauthorized remarks from the audience, stamping of feet, whistling, yells and similar demonstrations are out of order and shall not be permitted by the Chair.

    Enforcement by the Chair – The Chair shall ensure compliance with rules of orderly conduct. If a person addressing the Mayor and Council violates the rules of orderly conduct, the Chair shall first request that the speaker refrain from the improper conduct; if the speaker refuses, the Chair may end the speaker's time at the podium. If the speaker refuses to yield the podium after being directed to do so by the Chair, the Chair may (i) recess the Meeting for a brief time, and/or (ii) direct a law enforcement officer acting as the Sergeant at Arms to remove the person whose conduct is out of order. If a person in attendance in the audience violates the rules of orderly conduct, the Chair shall first direct such person to refrain from the improper conduct; if such person refuses, the Chair may (i) recess the meeting for a brief time, and/or (ii) direct a

law enforcement officer acting as the Sergeant at Arms to remove the person whose conduct is out of order.

N. ZONING HEARINGS

1. Applicant Speak First – The applicant shall speak first. Then all persons in favor of the applicant. Then all those opposed. The applicant may then rebut. Applicants and others may appear in person or by counsel.

2. Questions – Members may direct questions to the applicant or any person speaking in order to bring out relevant facts, circumstances or conditions affecting the case and may call for questions from the staff.

3. Procedures – All supporting evidence for and against each case shall be presented to the assembled governing body. The applicant shall be responsible for the presentation of all information supporting his case.

4. Closing Hearings – The governing body may close or continue the hearing by motion.

5. Decision – The membership may take the case under advisement for later consideration and determination, or may defer action whenever it concludes that additional evidence is needed or further study is required, or may make its decision immediately.

6. Phasing Out Old Zoning Cases – In rezoning cases, where after a public hearing is closed and a motion is made to prepare an ordinance upon certain requirements being met, that unless otherwise stated, the rezoning case will be automatically closed except for expanded districts, if the requirements are not completed within two years.

O. EXECUTIVE SESSIONS

Procedure – The membership may by motion resolve itself into executive session for discussion of any business which may in the opinion of the membership require secrecy. The members may retire to the executive council chambers and expel all personnel as the chairman or membership may deem necessary. Rules of the governing body shall apply in executive session but no final vote shall be taken.

P. PARLIAMENTARY PROCEDURE

Roberts' Rules – Roberts' Rules of Order shall be followed in all cases to which they are applicable, not in conflict with superior rules.

The order of precedence in determining parliamentary procedure is:

1. Constitution of Arizona
2. City Charter
3. Statutes
4. Ordinance
5. Rules of the governing body
6. Roberts' Rules

Q. SUSPENSION OF RULES

Unanimous Vote – No rule of the governing body shall be suspended except by unanimous vote of those present. A motion to suspend the rules shall be decided without debate. Inconsistent procedure, without objection, implies suspension.

R. AMENDMENT OF RULES

Five Votes – No rule of the governing body shall be amended except by five affirmative votes.

II. SUMMARY OF AMENDMENTS

HISTORY:

April 22, 1968	Rules and Regulations adopted by Motion (Also see Ordinance No. 3119 repealing certain provisions of Chapter 2 of the Tucson Code.)	
July 19, 1968	Rule J.2.	(Amended by Motion)
May 4, 1970	Rule N.6.	(Amended by Motion)
May 12, 1980	Rule E.1.	(Amended by Motion)
April 5, 1982	Rule M.9.	(Amended by Resolution No. 11810)
December 21, 1987	Rule I.	(Repealed by Motion)
September 14, 1992	Rule B.3.a.	(Added by Resolution No. 16116)
February 22, 1993	Part II Adding Section A, Subsections 1 and 2	(Added by Resolution No. 16232)
May 24, 1993	Adding Part II	(Added by Resolution No. 16295)
December 6, 1993	Part II Amending Section E, Subsection 6 Amending Section G, Subsection 6	(Amended by Resolution No. 16493)
July 5, 1994	Part II Adding Section B, Subsection 3 Amending Section C, Subsection 3 Adding Section F, Subsection 4	(Amended by Resolution No. 16640)
July 10, 1995	Part II	(Amended by Resolution No. 16963)
March 17, 1997	Part I Amending Section D, Subsection 1 Amending Section E, Subsection 2	(Amended by Resolution No. 17576)

January 11, 1999	Part II Amending Section C, Subsection 3	(Amended by Resolution No. 18206)
January 10, 2000	Deleting Part II abolishing standing subcommittees (Rescinding Resolution No. 16232 and Resolution No. 16963)	(Amended by Resolution No. 18476)
October 13, 2003	Part I Adding Section I, Subsection 1	(Amended by Resolution No. 19701)
January 5, 2004	Part I Amending Section E, Subsection 1 Amending Section M	(Amended by Ordinance No. 9923)
April 19, 2004	Part I Amending Section E, Subsection 1 Amending Section M, Subsection 3	(Amended by Ordinance No. 9954)
August 2, 2004	Part I Section M, Subsection 7	Correction of Printer's error
November 1, 2004	Part I Section E, Subsection 4	(Repealed by Resolution No. 19966)
May 2, 2006	Part I Amending/Renumbering Section A Adding Section G, Subsection 9	(Amended by Resolution No. 20332)
September 12, 2006	Part I Amending Section G, Subsection 9(i)	(Amended by Resolution No. 20457)
September 26, 2006	Part I Amending Section E, Subsection 1	(Amended by Ordinance No. 10323)
January 24, 2012	Part I Amending Section M, effective February 7, 2012	(Amended by Ordinance No. 10961)