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CAPTION HEADING:

ORDINANCE

Ordinance No. 465

The Mayor and Council shall have the right to attend the City Council meetings by technological means



Ordinance

No. 465

OFFICE OF THE
MAYOR
CITY OF SAN LUIS

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, AMENDING AND RESTATING THE SAN LUIS CITY CODE SECTION 2.05.420 THE MAYOR AND COUNCIL MEMBERS SHALL HAVE A RIGHT TO ATTEND THE CITY COUNCIL MEETINGS BY TECHNOLOGICAL MEANS.

WHEREAS, under the Arizona Open Meeting Law, the definition of a meeting includes “the gathering, in person or through technological devices, of a quorum of the members of a public body” (A.R.S. § 38-431(4)(a)); and

WHEREAS, “If members of a public body are unable to be present in person at a public meeting, they may participate by telephone or video or internet conference” (Ariz. Att’y Gen. Ops. I08-008, I91-033, I83-135 as cited by the Attorney General’s Arizona Agency Handbook § 7.10.3 page 7-26 (2018)); and

WHEREAS, under the San Luis City Code § 2.05.440(A)(1) the City Council Meeting proceedings follow the parliamentary rules of the Robert’s Rules of Order, unless otherwise specified; and

WHEREAS, under the Robert’s Rules of Order, a “deliberative assembly,” such as the City Council, “meet in a single room or area or under equivalent conditions of opportunity for simultaneous aural communication among all participants (RONR (12th ed.) 1:1); and

WHEREAS, Robert’s Rules of Order has a section on “Electronic Meetings” (RONR (12th ed.) 9:30-9:36) and in the Appendix, it contains “Sample Rules for Electronic Meetings” (RONR (12th ed.) pages 635-649);

WHEREAS, the above sources provide the authority for the City Council to amend the San Luis City Code to confer the right for the Mayor and City Council Members to attend the City Council Meetings by technological means.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of San Luis, Arizona:

Section 1: Section 2.05.430 of the San Luis City Code is amended and restated to read:

2.05.420 Quorum and Attendance by Technological Means Permitted

(A) A majority of the Councilpersons shall constitute a quorum for transacting business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

(B) Councilpersons (Councilperson includes the Mayor) who are not present in person for a "Meeting" (as defined by the Arizona Open Meeting Law) shall have the right to participate by technological means to conference into the Meeting remotely. The technological means shall provide conditions of opportunity for simultaneous aural communication among all those Councilpersons participating in the Meeting.

(C) The City Council adopts the following rules to govern the participation by technological means:

1. The City Clerk's Office shall notify the City Council and the public of the possibility of a Councilperson participating by technological means by including a notice on every agenda that reads as follows or words to similar effect, "Please take notice that members of the City Council will attend either in person, telephone, or video conference communication."

2. The City Clerk's Office and technical staff shall ensure that the Council Chambers have facilities that permit the public to observe and hear all communications that are provided remotely into the Council Chambers.

3. The City Clerk's Office shall identify in the minutes of the Meeting the members who participated remotely by technological means.

4. Councilpersons participating remotely shall make every effort to connect fifteen (15) minutes before the scheduled time for the call to order of the Meeting.

5. Except in an emergency where most of the Councilpersons are appearing remotely, the Mayor or Vice Mayor shall be in person to conduct the Meeting.

6. Councilpersons participating remotely shall announce themselves at the first opportunity when joining and departing, but may not interrupt a speaker to do so.

7. No action of the City Council shall be invalidated on the ground of a technical malfunction.

8. The chair through the Mayor, Vice Mayor, or Councilperson designated to chair may order the Clerk to mute or disconnect a Councilperson's remote connection if it is causing undue interference with the ability of the City Council to communicate or hear presentations during the Meeting. The chair shall announce during the Meeting and the Clerk shall record in the minutes the chair's decision to mute or disconnect the connection.

9. Any Councilperson may appeal to the chair to immediately put to a vote the chair's decision to disconnect or mute the remote member. The chair shall put the matter to vote without allowing discussion or debate. This procedure is an "undebatable appeal" under Robert's Rules of Order. Undebatable appeals ensure that procedural matters are resolved quickly and efficiently.

Section 2: The City Council authorizes and directs the appropriate City officers and employees to perform all necessary or desirable acts to give effect to this Ordinance."

Section 3: If a conflict arises between the provisions of this ordinance and any resolution, other ordinance, regulation, or policy of the City of San Luis, the conflicting provisions are amended, superseded, and replaced, and this Ordinance shall govern.

Section 4: If any section, subsection, sentence, clause, phrase, or portion of Ordinance No. 465 is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or operation of law by legislation, such decision or law shall not affect the validity of the remaining portion of this ordinance.

[Intentionally left blank. Signature page follows.]

PASSED, ADOPTED, and APPROVED by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this 14th day of April 2025.



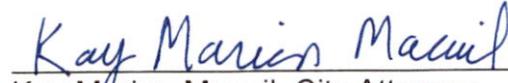
Nieves Riedel, Mayor

ATTEST:



Sonia Cornelio, City Clerk

APPROVED AS TO FORM:



Kay Marion Macuil, City Attorney