

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 JIM O’CONNOR – Chairman
4 LEA MÁRQUEZ PETERSON
5 ANNA TOVAR
6 KEVIN THOMPSON
7 NICK MYERS

8 **Rules of Procedure for Arizona Corporation Commission Open Meetings**

9 **Introduction**

10 These rules of procedure were designed for use by the Arizona Corporation Commission
11 (“Commission”) during Open Meetings. Essentially, the rules are a modified version of *Robert’s*
12 *Rules of Order, Revised*. *Robert’s Rules* is intended to guide the deliberations of a large legislative
13 body; consequently, it is not always appropriate for the Commission.

14 Arizona’s Open Meeting Law (A.R.S. §§ 38-431 through 38-431.09), governs the conduct of
15 meetings by governmental bodies. The Legislature has repeatedly expressed its intent that the Open
16 Meeting Law be construed to maximize public access to the governmental process.

17 **I. Applicability**

18 **Rule 1. Applicability of Rules.** These rules apply to all Open Meetings of the Commission,
19 (except as set forth in Rule 4) whether in-person or electronic, at which the Commission is
20 empowered to exercise any of the executive, quasi-judicial, administrative, or legislative powers
21 conferred on it by law. The rules are designed to ensure compliance with Open Meeting Law.

22 **II. Open Meetings**

23 **Rule 2. Meetings to be Open.**

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1. It is the public policy of Arizona that the hearings, deliberations, and actions of the Commission be conducted openly.

1 2. Except as otherwise provided in these rules and in accordance with applicable law, each
2 official meeting of the Commission shall be open to the public, and any person is entitled to
3 attend such meeting.

4 3. For the purposes of the provisions of these rules concerning Open Meetings, an official
5 meeting of the Commission is defined as the gathering, in person or through technological
6 devices, of a quorum of the members of the Commission at which they discuss, propose, or
7 take legal action and includes any deliberations by a quorum with respect to that action.

8 Under Open Meeting Law, the following also constitute meetings of the Commission:

9 a. A one-way electronic communication by one member of the Commission that is
10 sent to a quorum of the members of the Commission and that proposes legal
11 action.

12 b. An exchange of electronic communications among a quorum of the members of
13 the Commission that involves a discussion, deliberation, or the taking of legal
14 action by the Commission concerning a matter likely to come before the public
15 body for action.

16 **Rule 3. Executive Session.**

17 1. Notwithstanding the provisions of Rule 2, the Commission may hold an Executive Session
18 which shall not be open to the public, in compliance with A.R.S. § 38-341.03.

19 2. The Commission may go into executive session only upon a motion made and duly adopted at
20 an Open Meeting. Executive Session is limited to the 9 reasons set out in A.R.S. § 38-
21 431.03(A), the most common of which is to obtain legal advice from the Commission's
22 attorneys.

23 3. No legal action involving a final vote, decision or polling shall be taken in Executive Session.
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- 1 4. The Commission shall conclude an Executive Session and return to the public Open Meeting
2 upon a motion made and adopted to do so. The Commission may then vote to take legal
3 action, if necessary.

4 **III. Meetings**

5 **Rule 4. Open Meeting.**

- 6 1. **Open Meeting.** The Commission shall hold a session at least once each month at its offices.
7 The Commission may also hold meetings at places other than its offices. Notices of its open
8 meetings shall be posted on the Commission’s website, www.azcc.gov, and physically posted
9 at the Commission offices.
- 10 2. **Staff Open Meeting.** The Commission shall hold a staff open meeting, when needed, to
11 discuss, consider, and vote on administrative items. Typically, the Commission does not allow
12 for public comment or participation during a staff open meeting.
- 13 3. **Workshops and Special Presentations.** These Rules of Procedure for Arizona Corporation
14 Commission Open Meetings shall not apply to town halls, workshops, or special
15 presentations. An Agenda will be issued in accordance with Open Meeting law in the event
16 that a quorum of the Commission may be present. No votes are taken during a townhall,
17 workshop, or special presentation.

18 **IV. Agenda**

19 **Rule 5. Agenda.**

- 20 1. The Commission shall provide the public with a statement of where the Agendas may be
21 found. Such statement shall be posted on the Commission’s website as well as physically
22 posted at the Commission.

1 2. Notice required under this section shall include an agenda of the matters to be discussed or
2 decided at the meeting. The agenda must be available to the public at least twenty-four hours
3 before the meeting, except in the case of an actual emergency. The twenty-four hour period
4 includes Saturdays if the public has access to the physical posted location in addition to any
5 website posting but excludes Sundays and other holidays.

6 3. The Agenda shall list the specific matters to be discussed, considered, voted on at the Open
7 Meeting. The Commission may discuss, consider, or take a vote only on matters listed on the
8 agenda.

9 **Rule 6. Order of Business.**

10 1. **Open Meetings.** For all Open Meetings, items shall be placed on the agenda as listed below:

11 a. Call to Order

12 b. Pledge of Allegiance

13 c. Invocation

14 d. Other Ceremonial Matters

15 e. Chair's proposed Consent Agenda

16 f. Regular Agenda (including matters removed from the Consent Agenda)

17 g. Adjournment

18 The Chair may call items in any order most convenient for the dispatch of business.

19 2. **Chair's Proposed Consent Agenda.** The items included on the Chair's proposed consent
20 agenda will be acted on by the Commission pursuant to a single collective motion. A
21 Commissioner may request that an item on the proposed consent agenda be moved to the
22 regular agenda. The item will then be heard first on the regular agenda. A roll call vote is not
23 required for the consent agenda.

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3. **Regular Agenda.** The Commission will first hear any items moved from the proposed consent agenda. Then the Chair will then proceed in numerical order with the agenda items listed on the regular agenda. The Chair at his or her discretion may take items out of order.

4. **Pulling an item.** At the beginning of the Open Meeting, the Chair may ask if any Commissioner would like to pull an item from the Agenda to be considered at a future Open Meeting. A Commissioner is entitled to make one request on an item, so long as doing so would not violate the Commission’s time clock rules or any other applicable rule or regulation.

V. Conduct of Debate

Rule 7. Powers of the Chair. Unless absent, the Chair shall preside at all meetings of the Commission. If absent, the Chair shall request that another Commissioner act as Chair. A Commissioner must be recognized by the Chair to address the Commission. The Chair shall have the following powers:

1. To call the meeting to order;
2. To rule on points of parliamentary procedure, including the right to rule out of order any motion patently offered for obstructive or dilatory purposes;
3. To determine whether a speaker has gone beyond reasonable standards of courtesy in his or her remarks and to entertain and rule on objections from other Commissioners on this ground;
4. To entertain and answer questions of parliamentary law or procedure;
5. To call a recess at any time;
6. To adjourn a meeting.

1 **Rule 8. Public Comment.** The Chair will declare when the Public Comment is closed. No
2 speakers will be accommodated after the Public Comment Session has closed.

3 **Rule 9. Action by the Commission.** The Commission can only act through a quorum of its
4 members and the Commission acts by a vote of the majority of Commissioners present. A majority is
5 more than half. A quorum is a majority of the actual membership of the Commission. The
6 fundamental right of deliberative assemblies requires all questions to be thoroughly discussed before
7 taking action.

8 **Rule 10. A Second is Not Required.** A motion shall not require a second.

9 **Rule 11. One Motion at a Time.** A Commissioner may make only one motion at a time.

10 **Rule 12. Motion to Approve an Agenda Item.** The Chair will ask one of the Commissioners
11 to move an agenda item. An item must be moved prior to it being discussed by the Commission. No
12 second is necessary. A motion shall be adopted if approved by a majority of the votes cast, a quorum
13 being present.

14 **Rule 13. Proposed Amendments.** If amendments are offered by Commissioners, the Chair
15 decides what order to address the amendments. The originator of the amendment moves the
16 amendment(s). Once the amendments are discussed, the Chair calls for a vote on the amendments. If
17 one or more amendments pass by a majority vote, the agenda item is moved as amended for a vote of
18 the Commission.

19 **Rule 14. Debate.** The Chair shall state the motion and then open the floor to debate, presiding
20 over the debate according to these general principles:

- 21 a. The Commissioner making the motion is entitled to speak first.
- 22 b. A Commissioner who has not spoken on the issue shall be recognized before someone who
23 has already spoken.

- 1 c. No Commissioner shall impeach or impugn the motives of another Commissioner’s argument
2 or vote. No Commissioner shall be permitted to indulge in personalities, use language
3 personally offensive, arraign motives of other Commissioners, charge deliberate
4 misrepresentation, or use language tending to hold a Commissioner up to contempt.
- 5 d. No Commissioner shall interrupt another while speaking except to correct a mistake or call a
6 point of order.

7 **Rule 15. Procedural Motions.**

- 8 1. The Commission shall entertain certain procedural motions:
- 9 a. **To Adjourn.** The motion may be made at the conclusion of action on a pending matter; it
10 may not interrupt deliberation of a pending matter.
- 11 b. **To Take a Recess.**
- 12 c. **To Defer or Postpone Consideration.** The Commission may defer a vote on an agenda item
13 until the next Open Meeting or another future Open Meeting when more information is
14 needed, or the deliberations are likely to be lengthy.
- 15 d. **Substitute Motion.** A proposal to substitute completely the language of one motion or
16 amendment with different wording shall be treated as a substitute motion.
- 17 e. **To Reconsider.** The Commission may vote to reconsider its action on a matter. The motion to
18 reconsider must be made by a member who voted with the prevailing side (the majority,
19 except in the case of a tie, in which case the “nos” prevail) at the same Open Meeting during
20 which the original vote was taken, which may be on a different date than the original vote due
21 to continuation of an Open Meeting through recess to another date. The motion cannot
22 interrupt deliberation on another pending matter but may be made at any time before final
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1 adjournment of the meeting. If the vote on a motion to reconsider is affirmative, then the
2 Commission may reconsider the item.

3 f. **To Reopen a Matter.** If a Commissioner wishes to reverse an action taken at a previous
4 Open Meeting, he or she generally may make a new motion pursuant to A.R.S. § 40-252 to
5 have the item reopened. There are usually two votes. The Commission must first vote on the
6 motion to reopen. If the motion carries, then a vote will be taken on the matter.

7 g. **Point of Order.** Any Commissioner may make a point of order to bring to the attention of
8 the Chair, an error in procedure or a lack of decorum during the debate. The Chair should
9 recognize the Commissioner, who will then state the point of order. The Chair will rule on the
10 point if he or she knows the answer or consult with the Commission's attorneys.

11 h. **To Call the Questions.** During the deliberations, a Commissioner may call the question. If
12 approved by a super majority of the Commission, the motion closes debate and the motion on
13 the floor is to be voted on.

14 **Rule 16 Withdrawal of Motion.** A motion may be withdrawn by the introducer at any time
15 before it is amended or before the Chair puts the motion to a vote, whichever occurs first.

16 **VI. Quorum and Other Rules**

17 **Rule 17. Duty to Vote.** It is the duty of each Commissioner to vote. Commissioners should
18 recuse themselves from voting on a matter for instances of conflict of interest or financial interest in a
19 matter. A Commissioner who wishes to be excused from voting shall so inform the Chair.

20 1. Every Commissioner shall have the privilege of explaining his or her vote with relevant
21 comments.

22 2. A Commissioner may change his or her vote after the roll call has been completed and
23 before announcement of the result, but not thereafter.

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1 **Rule 18. Quorum.** A majority of the Commissioners shall constitute a quorum. The number
2 required for a quorum is not affected by vacancies. The rule of necessity may be used only when the
3 Commission is legally required to act on a matter, and it lacks enough Commissioners to take valid
4 official action solely due to Commissioners being disqualified by conflicts of interest from
5 participating in the matter.

6 **Rule 19. Amendment of the Rules.** These rules may be amended at any Staff Open Meeting
7 at which a potential amendment is included as an agenda item. Adoption of these rules or an
8 amendment thereof shall require an affirmative vote equal to the majority of Commissioners present
9 at an Open Meeting.

10 **Rule 20. Reference to Robert's Rules of Order.** To the extent a procedural issue is not
11 addressed in these rules, the Chair may refer to *Robert's Rules of Order* to resolve the procedural
12 questions, provided that Robert's Rules of Order does not conflict with the spirit of these rules.

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