



MINUTES
TOWN OF MIAMI
WORK SESSION
OF THE MAYOR AND COUNCIL
MONDAY, JULY 22, 2024 AT 5:00 PM

1. CALL TO ORDER:

Mayor Medina calls the meeting to order at 5:03 p.m.

2. PLEDGE OF ALLEGIANCE/INVOCATION:

Councilmember Reiman led the pledge of allegiance and Mr. Jesse Bryant gave the invocation.

3. ROLL CALL OF COUNCIL MEMBERS:

PRESENT: Mayor Medina, Vice Mayor Moat (arriving at 5:29 p.m.) Councilmember Black, Councilmember Reiman and Councilmember Sosh. One vacancy.

EXCUSED: Councilmember Gonzales.

STAFF PRESENT: Town Manager Rivera (via Zoom), Town Attorney Estes, Town Clerk Norris, Finance Director Lopez, Public Works Director Derhammer, Library Director Pontel (via Zoom), Transit Director Baeza, Economic Director Vargas, Community Services Director Duarte, Interim Police Chief Manos, Code Enforcement/Animal Control Officer Mariscal, Police Department Office Manager Borunda and Town Hall staff: Maricruz Perez, Kaitlyn Attaway and Kathleen Freeman.

4. BUSINESS:

- A. Information and discussion only:** Open Meeting Law and Public Records Management training for staff and Council provided by Town Attorney, Joe Estes.

Town Attorney Estes reviews the responsibility of the Town Council and Boards and Commissions. Reviews meeting attendance and what constitutes a quorum. Review of meeting decorum and procedures. Town Attorney Estes explains the Call to the Public portion of the agenda. Call to the Public is permitted, not required. The public is permitted to attend, observe, take notes and record meetings, not permitted to speak out or interrupt proceedings. Review of the Council/Manager form of government. Explains the Open Meeting Law as an Act mandating open deliberations and proceedings to the public and prohibiting public bodies from making decisions in secret. Explains what constitutes a "meeting". Explains a Quorum is a majority of the public body, unless otherwise noted in statute or governing documents. Vacant positions do not reduce the quorum requirement. Town Attorney cautions regarding circumventing the Open Meeting Law. A member of the public

body may not knowingly instruct staff to communicate in violation of the law. Reviews some of the Open Meeting Law pitfalls. Review of what must happen in order to have a legal meeting. Review of Executive Session and the limitations of Executive Session. Review of what meeting agendas and notices must contain and when they must be posted. Brief review of Open Meeting Law violations and penalties.

Town Attorney Estes reviews the definition of a Public Record. Any record in the custody of an Arizona entity that has a substantial nexus to government activity is considered a public record and presumed to be subject to disclosure. When public records must be produced; generally, public records must be produced promptly upon request. Each request must be reviewed to determine if the records are exempt from disclosure or in need of redaction. Review of exception to the public records law. Review of electronic messages such as emails or text messages and any other forms of direct messaging used for public records if they relate to your duties as a member of a public body. Advises to assume electronic messages are public records even if they are prepared on personal computers/devices. Documents which are wholly personal in nature are not a public record. Comments on the initial response to a public records request. Comments on determining if a public records request can be denied.

Brief discussion and comments regarding possible quorum notices. Discussion regarding Town issued cell phones and text messages. Town Attorney Estes explains that it is best not to use text messaging on Town issued cell phones; rather use emails as they are easier to track, search and retain in the event of a public records request.

5. ADJOURNMENT:

Councilmember Black moved to adjourn the work session. Motion seconded by Councilmember Sosh. Mayor Medina calls for the vote. Vote – Mayor Medina – aye, Vice Mayor Moat - aye, Councilmember Black – aye, Councilmember Gonzales – excused, Councilmember Reiman – aye and Councilmember Sosh - aye. One vacancy. MOTION PASSED.

Meeting adjourned at 6:37 p.m.

CERTIFICATION:

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the Work Session of the Town Council of the Town of Miami, AZ held on the **22nd** day of **July**, 2024. I further certify that the meeting was duly called and that a quorum was present. DATED this **12th** day of **August** 2024.

Karen Norris, Town Clerk

APPROVED:

Jose "Angel" Medina, Sr., Mayor