

## Attachment A

**From:** [no-reply@phoenix.gov](mailto:no-reply@phoenix.gov) <[no-reply@phoenix.gov](mailto:no-reply@phoenix.gov)>  
**Sent:** Wednesday, April 19, 2023 6:36 AM  
**To:** Mailbox City Clerk Department CLK <[mailbox.city.clerk.department@phoenix.gov](mailto:mailbox.city.clerk.department@phoenix.gov)>  
**Subject:** emcityclerk - Form Submission

FROM : Ismael Morales

SUBJECT : Citizen Petition to the Phoenix City Council 04/19/2023

MESSAGE : Good morning,

I will be reading this citizen petition for the record at today's Formal Meeting of the Phoenix City Council dated 04/19/2023 virtually and during citizen comments. See below for the content of the petition. I will also be emailing council member offices a copy of this petition.

Pursuant to Chapter IV, Section 22 of the Phoenix City Charter, I would like to present a Citizen Petition regarding certain motions limiting Public Comment during meetings of the Phoenix City Council.

Whereas, during the Formal Meeting on April 5, 2023, item 93 was placed on the agenda by three councilmembers regarding a study for a potential moratorium on development of three mobile home parks in the city of Phoenix.

Whereas, a motion was made by Councilmember Stark, seconded by Councilmember O'Brien to have no public comment for item 93 as a similar item was heard at the previous Formal Meeting.

Whereas, item 93 was a different item but served a similar purpose.

Whereas, many residents of those affected mobile home parks were present at the meeting, expected to be heard and speak on that item.

Whereas, on the vote of 5-4, the motion did pass and no public comment was held for that item.

Whereas, as public officials, it is essential for citizens to exercise their 1st amendment right to speak. In that case, given it was a different item, citizens were denied that right.

Whereas, the Phoenix City Council currently has that right to limit public comment according to council rules and procedures. However, it is up to local jurisdictions to implement rules on public comments. In accordance with Arizona Attorney General Opinion I99-006, it states that "while the open meeting law grants members of the public the absolute right to attend public meetings, the Open Meeting Law, neither requires nor prohibits participation by the public in the discussions and deliberations of a public body." This, in turn, leaves it up to discretion by each public body to decide how to handle public participation.

I hereby petition to the Phoenix City Council to revise Phoenix City Code Section 2-60, Rule 9, Decorum-Speaker and Audience and add the following subdivision "The Mayor or Presiding Officer, and Councilmembers will not make motions that limit public comment to no public comment. That includes for all items, new and continued, except for public hearings that are time certain that are opened and closed by the Mayor or Presiding Officer."

The Phoenix City Council should uphold their duty to listen to citizens and take those comments into consideration when hearing an item.

Please act upon this within 15 days according to said Phoenix City Charter code.

Thanks very much. If there are any questions, please contact me at your earliest convenience.

Ismael Morales

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