



# FIRST THINGS FIRST

*Ready for School. Set for Life.*

## Open Meeting Law and Public Meetings



# Legal References

A.R.S. §§ 38-431 through 38-431.09

Arizona Agency Handbook

[www.azag.gov](http://www.azag.gov) (under “Quick Links”)

Chapter 7 (Open Meetings); §§7.1-7.12.6



# Public Body

A.R.S. § 38-431(6); §7.3.1

## “Public Body” means:

The Legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision.

All standing, special or advisory committees or subcommittees of, or appointed by, the public body.



# Advisory Committee or Subcommittee

## **“Advisory Committee” or “Subcommittee” means:**

Any entity, however designated;

Officially established on motion or order of the public body or by the presiding officer;

Appointed to make a recommendation concerning a decision to be made or considered by the public body.

(A.R.S. §38-431(A) as amended by H.B. 2208 (2007)).



# Advisory Committee or Subcommittee

- Must comply with all requirements of the Open Meeting Law
- Must take minutes or make recordings of their meetings (New pursuant to H.B. 2208, 2007).



# What is a Quorum?

- Generally in Arizona, a quorum is a majority of a board or commission.
- Look to your statutes and rules.
- Vacancies DO count toward the number of members of a board unless your statutes/laws say otherwise.
- If you don't have a quorum, you don't have a "meeting", you can't meet.



# What is a meeting?

A.R.S. § 38-431(4); §7.5.1

**A quorum of members,**  
gathering, in person or through  
technological devices such as phone,  
email, or fax.



# Notice of Meetings

A.R.S. §38-431.02(A)(1); § 7.6.3.1

Public bodies of the State must file a disclosure statement with the Secretary of State identifying where the public body will post meeting notices.

- Is statement still current?
- Did you move your offices but not your notice location?
- Check statement once a year.



# Notice of Meetings

## § 7.6.3.2

- Post in a location where the public has reasonable access (unlocked building; geographically accessible)
- Post during normal business hours
- Make sure notice can't be “borrowed”
- Make sure front **and** back can be read if inside a locked display case



# Notice of Meetings

A.R.S. § 38-431.02(C); § 7.6.1-7.6.3

Notice required at least 24 hours in advance of a meeting to all members of the public body to the public



# Contents of Notice

## § 7.6.4

- The public body
- Date, time, place (address, room number)
- Agenda or how to obtain agenda
- Executive Session if applicable (cite specific statutory authority)
- Accommodations under the ADA



# Agendas

A.R.S. § 38-431.02(H); § 7.7.1

Agendas must include matters to be discussed, considered or decided at the meeting

Must contain information reasonably necessary to inform the public



# Agenda Items

## § 7.7.2

“specific” items to be discussed, considered or decided: **NOT** GOOD ENOUGH without details:

- “new business”
- “old business”
- “personnel”
- “announcements”



# Minutes

A.R.S. §38-431.01(B); §§ 7.8.1-7.8.2

Must have them in writing or  
recorded - audio or video tape



# Public Rights

- Must be permitted to attend meeting
- Cannot require them to sign in
- Not permitted to speak, unless public body allows it
- If they make presentation, must identify themselves (required for Minutes)
- Can limit speaking time of each speaker

