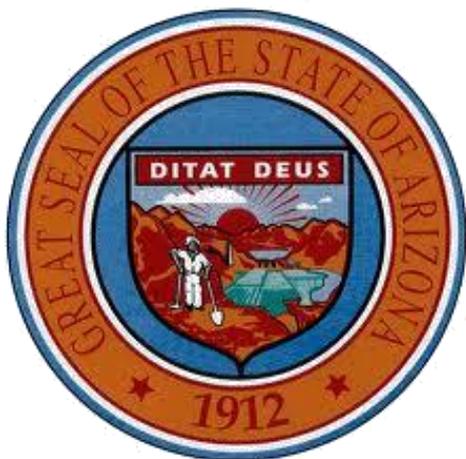


THE ARIZONA OPEN MEETING LAW



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Frequently Asked Questions

Last Amended 2015

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Frequently Asked Questions

1. What action is required to occur in an open meeting?

All legal action of a public body is required to occur at an open meeting. A.R.S. § 38-431.01(A). Legal action is collective decision, commitment or promise made by a public body pursuant to the constitution, the public body's charter, bylaws or specified scope of appointment and the laws of this state. A.R.S. § 38-431(3).

2. What is a subcommittee?

A subcommittee is any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body. A.R.S. § 38-431(2).

3. When is it appropriate for a public body to hold an emergency meeting?

A public body may hold an emergency meeting when due to unforeseen circumstances, immediate action is necessary to avoid some serious consequence that would result from waiting until the required notice could be given. The existence of an actual emergency does not dispense with the need to give twenty-four hours' written notice to an employee to be discussed in executive session. A.R.S. § 38-431.03(A)(1); see Sections 7.7.9 and 7.9.4.

4. What must be included on an agenda?

An agenda must include the date, time, and place of the open meeting and all specific matters to be discussed, considered or decided at the open meeting. The description of each agenda item must include information reasonably necessary to inform the public.

The agenda must include the statutory citation for any executive sessions as well as a general description of the matters to be considered in executive session.

5. Where should a public body post an agenda?

The public body is required to post all agendas at the physical and electronic locations listed on their disclosure statement. A.R.S. § 38-431.02.

6. Does the public have a right to speak during a meeting?

The public does not have a right to speak or disrupt the meeting. However, the public body may allow comment from the public.

7. Is the public body required to answer questions from the public during an open meeting?

The public body may answer questions from the public, if the item is properly listed on the agenda.

8. Is the public body required to have a call to the public?

A call to the public is not mandatory but the public body may put a call to the public on their agenda.

9. What is required to be included in the minutes of an open session?

The minutes of an open session must include the date, time and place of the meeting, members present and absent, a general description of the matters to be considered, an accurate description of the legal action, the names of members who propose each motion, the names of people making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

10. Is the public body required to approve the minutes?

No. The open meeting law does not require a public body to approve their minutes.

11. Can board members discuss their views with the public outside of an open meeting?

Yes. Members of the public body may discuss their views with members of the public so long as the communication is not principally directed at or directly given to other board members and there is no plan to engage in collective deliberation to take legal action. Attorney General Opinion I07-013.

12. If a public body violates the open meeting law, how does the public body fix the error?

If the public body violates the open meeting law, they are required to ratify that legal action by following the procedure in A.R.S. § 38-431.05.

13. What are the penalties for violating the open meeting law?

Violation of the open meeting law may result in a civil penalty of up to \$500 for each violation, such equitable relief as the court deems appropriate, reasonable attorney's fees, and removal of a public officer from office.