



CHANDLER
arizona
Community of Innovation

Mayor's Youth Advisory Commission Member Training

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What do we have to do to have a legal meeting?



Open Meeting Law

A.R.S. 38-431 et. seq.



- Notice and agenda
- Quorum must be present for a meeting to be held
- 24 hours notice except for an actual emergency

- Arizona is the sunshine state which means the public's business must be done in public



What is a Meeting?

A meeting occurs ANY TIME a quorum of the public body discusses, proposes, or takes legal action.

Can be a in-person meeting or an electronic meeting.



How Do We Have a Legal Meeting?

Post an agenda in the official posting places and website at least 24 hours in advance.

Agenda **MUST** include:

- Date, time and place
- Description of matters to be discussed or decided (or where an agenda can be obtained)

Agenda **MAY** include:

- Unscheduled public appearances
- Report on current events from chair members and staff person in charge



Unscheduled Public Appearances

- Citizens may only address the public body on issues in its jurisdiction
- No discussion
- Members of the public body may respond to criticism, ask staff to review a matter, or request a future agenda item

When Can a Public Body Meet in Private?

Executive Sessions - A.R.S. 38-431.03



Employment, discipline
or resignation of public
officer, appointee or
employee



Obtain legal advice



Contract
negotiations or
litigation



Discussion
regarding security
and critical
infrastructure



Negotiations for
purchase, sale or
lease of real property

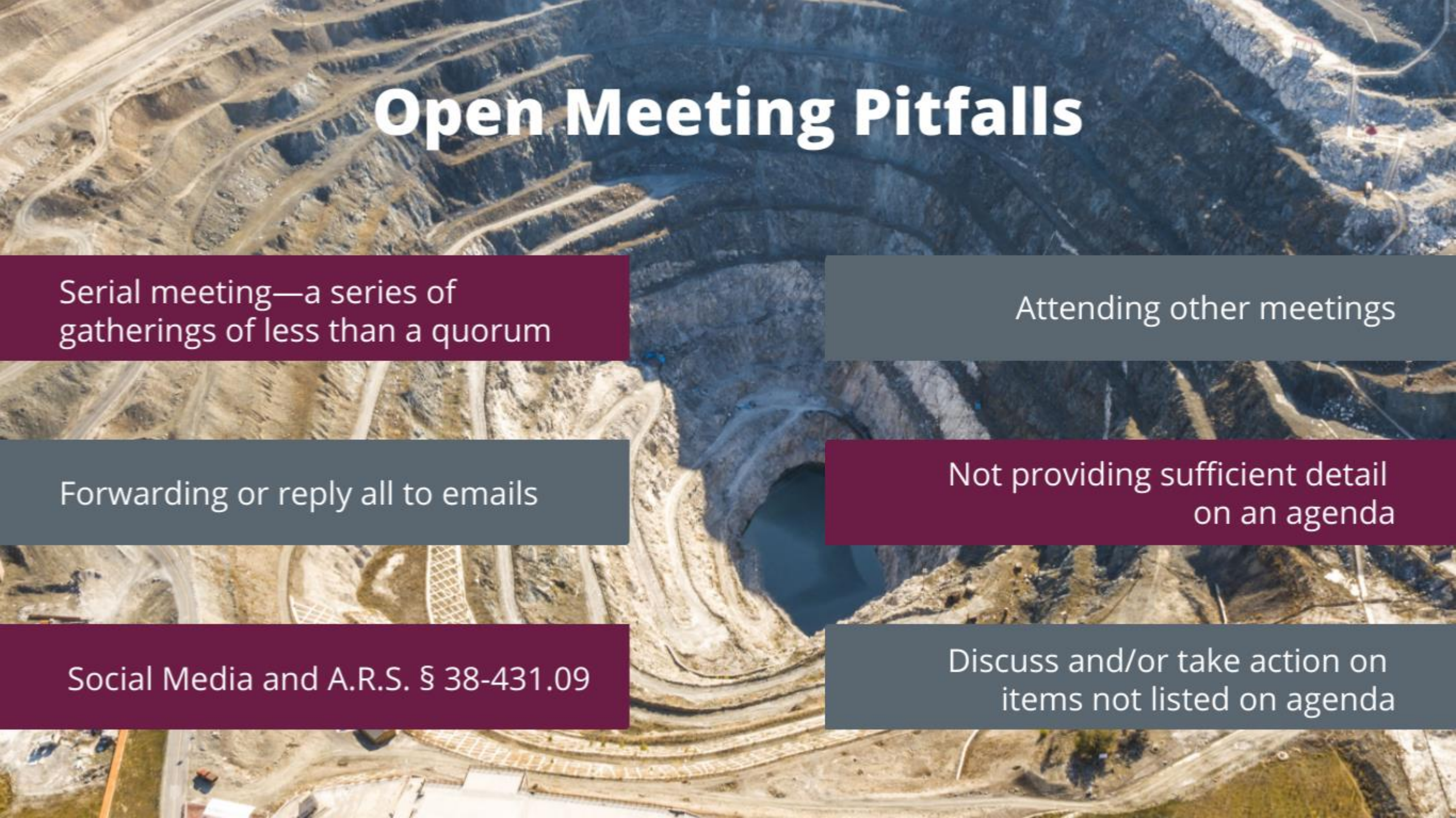


Discuss records
exempt by law from
public inspection



Employee
organization
negotiations

Open Meeting Pitfalls



Serial meeting—a series of gatherings of less than a quorum

Attending other meetings

Forwarding or reply all to emails

Not providing sufficient detail on an agenda

Social Media and A.R.S. § 38-431.09

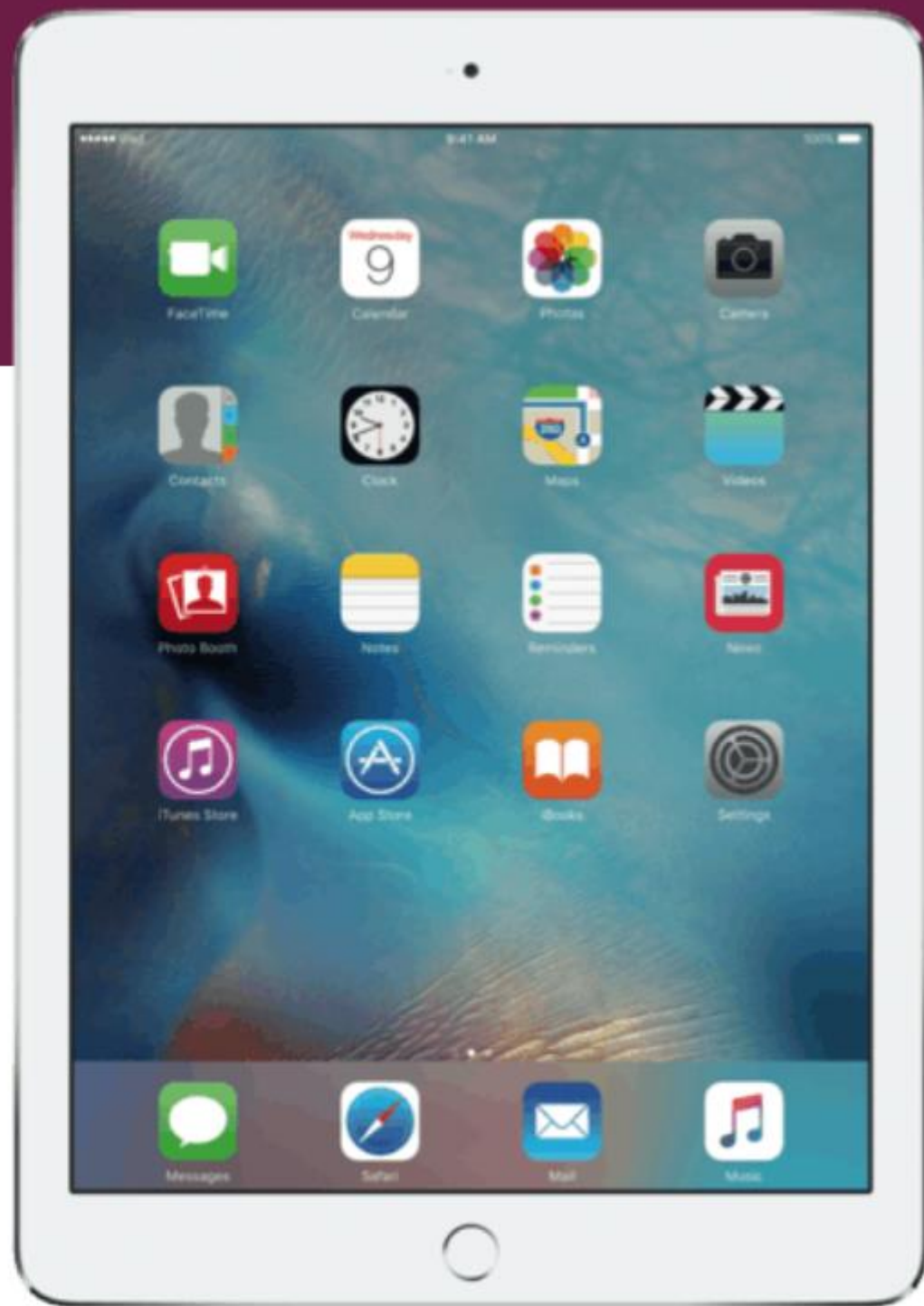
Discuss and/or take action on items not listed on agenda

Emails

Careful use of emails.

DO NOT:

- Send an e-mail to a quorum of the public body proposing legal action
- Engage in an e-mail exchange of facts and/or opinions if it is foreseeable that the topic may come before the Commission for action
- Forward or respond to e-mails involving a majority of the Commission — be careful of chain e-mails
- **REMEMBER DO NOT REPLY ALL!**





Social Media and Social Events

Members of public bodies should not post or comment on each other's website or municipal websites where those comments could be interpreted as proposing legal action or discussion or deliberation/decisions on City issues. These types of postings would violate the Open Meeting Law because they would be "meetings".

It is NOT a violation of the Open Meeting Law when there is a gathering of a quorum of the public body, i.e., a wedding, but DO NOT talk about City business.



Conflict of Interest

How Do You Know if You Have a Conflict of Interest?

Pecuniary Interest—will you gain or lose something of value from your decision?

If so, is your pecuniary interest remote or substantial?

If it is substantial, then you have a conflict!



How Do You Know if You Have a Conflict of Interest?

Common Remote Interests A.R.S. 38-502(10)

- The interest of a non-salaried officer of a non-profit corporation
- The interest of an attorney of a contracting party
- The ownership of less than three percent of the shares of a corporation for profit
- The interest of a public officer or employee in being reimbursed for his actual and necessary expenses incurred in the performance of official duty
- The interest of a recipient of public services generally provided by the City
- The interest of a member of a trade, business, occupation, profession or class of persons consisting of at least ten members which is no greater than the interest of the other members of the trade, business, occupation or profession or class of persons

What To Do if You Have a Conflict of Interest?



Fill out a
disclosure form



No discussion or
action



Make conflict
known



Avoid any
appearance of
influence



Public Records

What is a Record?

- Evidence of the organization and all of its decisions, procedures, functions, and operations
- Made or received by any governmental agency
- Informational or historical data
- Any medium or format

What is not a Record?

- Library or museum material solely for reference or exhibition
- Extra copies for convenience or reference
- Stocks of publications for sale or distribution

Who Has to Comply with Public Records Laws?

City Council

Boards and Commissions,
including Subcommittees

Employees of Public
Officers and Public Bodies



Boards and Commissions Records

Member Records

- Applications to Serve
- Oaths of Office
- Policy Acknowledgements

Meeting Records

- Agendas
- Supporting Documentation for Items
- Minutes
- Meeting Audio/Video Recordings
- Speaker and Comment Cards



Email is a Public Record

It is important to understand that electronic communications are public record and may be provided in response to a public records request or a subpoena.

Records are categorized by their content and not the format or medium in which they are created.



Questions?