

City of San Luis, Az Open Meeting Law & Conflict of Interest



By: Ray Urias, Attorney

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- Open Meeting Law
 - Conflict of Interest
 - Other State Statutes – Public Officials

Arizona's Open Meeting Law

- All business must be conducted in open meeting
- Must tell the public about upcoming meetings:
“Notice”
- Must have a written agenda 24-hours in advance
- Cannot discuss issues not on the agenda
- Serious penalties for violation

Public Meetings vs. Public Hearings

- Public Meeting:
 - Public allowed to attend and listen
 - No requirements that public participates and addresses the public body
- Public Hearing:
 - Public Allowed to attend, listen AND SPEAK
 - Certain actions require public input by statute

Meetings, Notices and Agendas

Five W's:

- Who:** San Luis City Council
- What:** Regular Council Meeting
- Where:** San Luis Council Chambers (title from agenda)
1090 E. Union Street, San Luis, AZ
- When:** Wednesday, November 16, 2008, 7:00 pm
- Why:** Items listed on the agenda

Conflict of Interest

- State Statutes govern City officials
- A.R.S. 38-501 thru 38-511
- Legal definition
 - Remote interest (not a conflict)
 - Substantial interest (conflict)
- How to declare a conflict
 - Disclose conflict
 - Remove self from dais
- Penalties for violation

Conflict of Interest

- Purpose
 - Prevent self dealing by Public officials
 - Remove or limit influences on official decisions
 - Discourage deliberate dishonesty
- Who's Covered
- A.R.S. 38-503
 - Contract, sale, purchase or service shall refrain (self or relative)
 - A decision of the agency (self or relative)
- A.R.S. 38-504.C
 - Improper influence on official duties

Conflict of Interest

- What is “relative”
- Substantial Interest
 - Not a remote interest (list)
- What to do if you have a conflict
- Use of confidential information/use of position for personal gain
- Penalties

Other State Statutes – Public Officials

- A.R.S. 38-296
 - Running for another public office
- A.R.S. 38-296.01
 - Running for multiple public offices
- A.R.S. 9-304
 - Restriction on compensation
- A.R.S. 38-444
 - Receiving illegal gratuities