

CITY OF MESA
REDISTRICTING COMMISSION

Open Meeting Law Overview

Arizona Open Meeting Law

Arizona Revised Statutes

Title 38, Chapter 4, Article 3.1

A.R.S. § 38-431.09

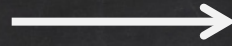
"It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonably necessary to inform the public of the matters to be discussed or decided."

Definition of "public body"

A.R.S. § 38-431

"Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of...political subdivisions. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, the public body.

Definition of "meeting"



"Means the gathering, in person or through technological devices, of a quorum of the members of a public body at which they discuss, propose or take legal action" on a subject that is reasonably likely to come before the public body.



Open Meeting Law (OML)

Private

Only when executive session is permitted (confidential records, legal advice, contract negotiations)

No legal action can be taken (no collective decision, commitment or promise)

Public's business must be done in public.

Public

Properly noticed meeting with a posted agenda

Pitfalls in OML

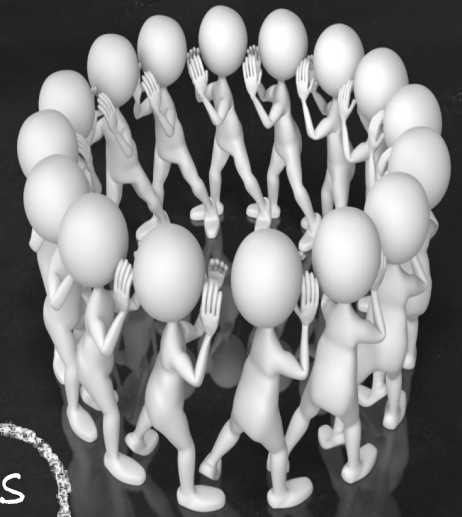
1. Social Events

- If a quorum is present at the social event, and members discuss topics that may reasonably require action, an OML violation may occur
- Tip: do not discuss Commission business or items that may come before the Commission with other members at social events



Pitfalls in OML

2. Serial Meetings



What is a serial meeting?

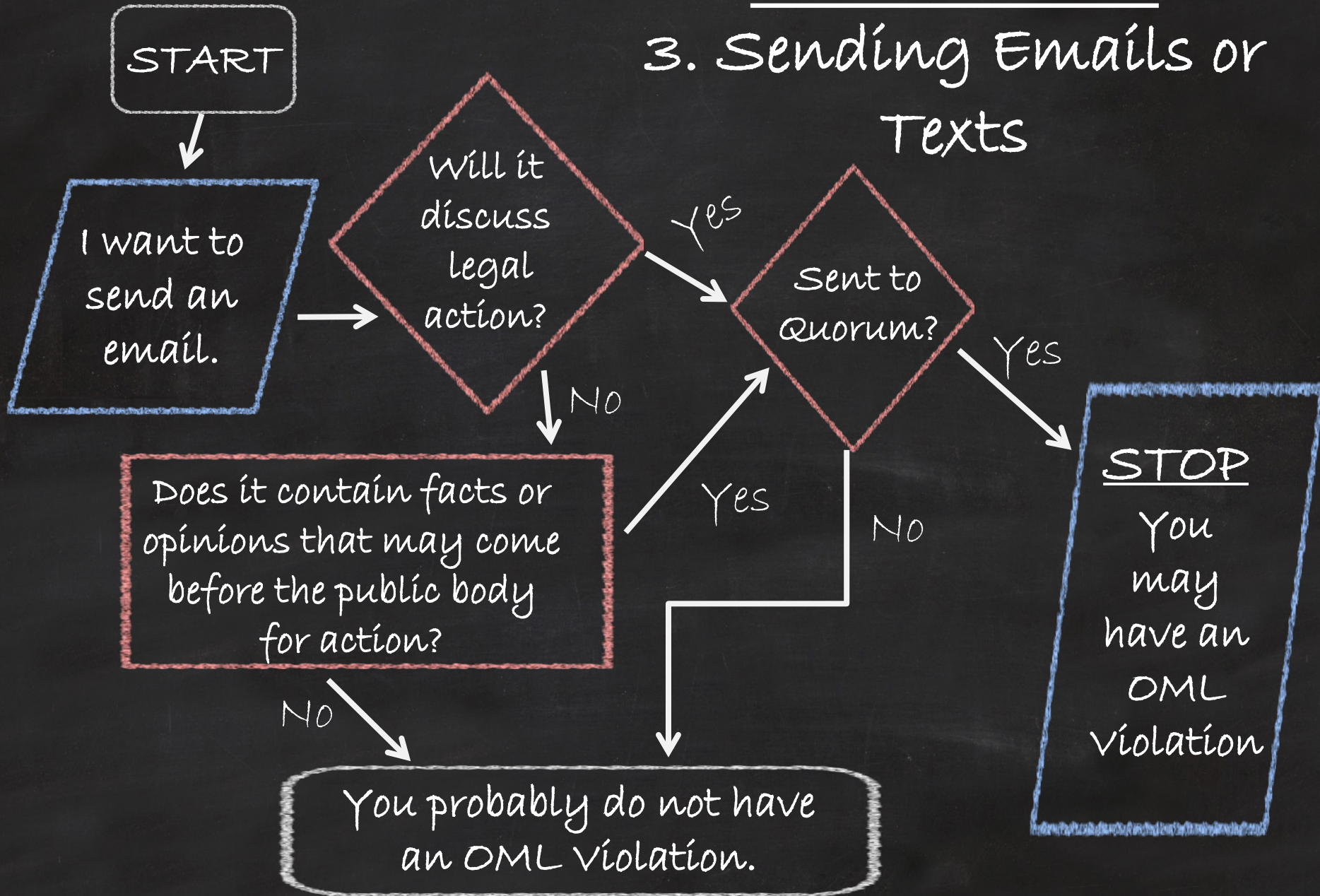
Series of gatherings or discussions (can be electronic) where less than a quorum is present.

Later, the same discussion is had with other members of the public body.

If the same discussion is held with enough members (quorum), can violate the OML.

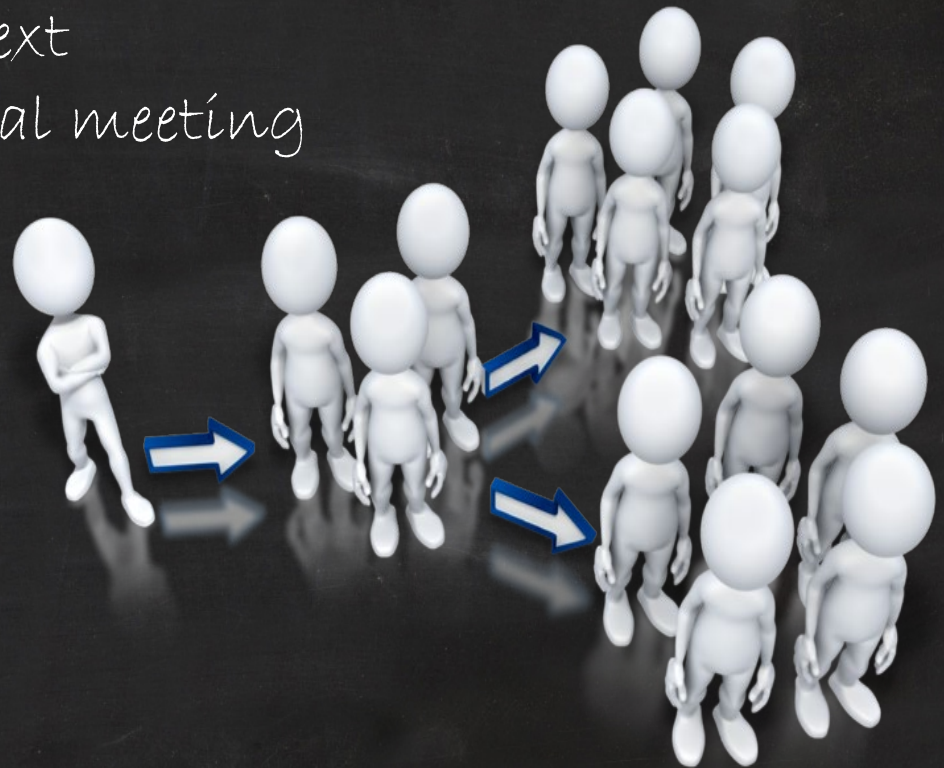
Pitfalls in OML

3. Sending Emails or Texts



Lesson: Be careful responding to emails and text messages.

- Using "reply all" and forwarding emails may lead to OML trouble
- Mass texts or forwarding text messages can lead to a serial meeting in violation of the OML



Meeting Agenda

Date,
Time
and
Place

Rule:

If no posted agenda
24 hours in advance,
no meeting

Public has right to
attend a public
meeting, does not
have right to speak

Agenda must
contain the
matters to be
discussed or
decided, or say
where a detailed
agenda can be
obtained

can we discuss matters not on
the agenda?

No, must be
reasonably
related to an
agenda item



Violations of the OML

ACTIONS taken by the Commission are NULL and VOID.



The Attorney General or County Attorney may INVESTIGATE.

Potential Penalties

- \$500 civil penalty each violation
- REMOVAL of a member if the court makes a finding of intent
- Assess the member with ALL COSTS awarded to the Plaintiff
- MAY NOT spend public monies for legal counsel

Questions

Please Contact the City Attorney's Office

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