

REFERENCE TITLE: open meetings; minutes; recordings

State of Arizona
Senate
Forty-eighth Legislature
First Regular Session
2007

SB 1237

Introduced by
Senators Gray C: Harper

AN ACT

AMENDING SECTIONS 38-431.01 AND 39-101, ARIZONA REVISED STATUTES; RELATING TO
PUBLIC MEETINGS AND PROCEEDINGS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 38-431.01, Arizona Revised Statutes, is amended to
3 read:

4 38-431.01. Meetings shall be open to the public

5 A. All meetings of any public body shall be public meetings and all
6 persons so desiring shall be permitted to attend and listen to the
7 deliberations and proceedings. All legal action of public bodies shall occur
8 during a public meeting.

9 B. All public bodies, except for subcommittees and advisory
10 committees, shall provide for the taking of written minutes or a recording of
11 all their meetings, including executive sessions. For meetings other than
12 executive sessions, such minutes or recording shall include, but not be
13 limited to:

14 1. The date, time and place of the meeting.

15 2. The members of the public body recorded as either present or
16 absent.

17 3. A general description of the matters considered.

18 4. An accurate description of all legal actions proposed, discussed or
19 taken, and the names of members who propose each motion. The minutes shall
20 also include the names of the persons, as given, making statements or
21 presenting material to the public body and a reference to the legal action
22 about which they made statements or presented material.

23 C. Minutes of executive sessions shall include items set forth in
24 subsection B, paragraphs 1, 2 and 3 of this section, an accurate description
25 of all instructions given pursuant to section 38-431.03, subsection A,
26 paragraphs 4, 5 and 7 and such other matters as may be deemed appropriate by
27 the public body.

28 D. The minutes or a recording shall be open to public inspection three
29 working days after the meeting except as otherwise specifically provided by
30 this article. The public bodies of the cities and towns with a population of
31 more than two thousand five hundred persons that have an internet ~~web-site~~
32 WEBSITE shall post a statement showing the legal actions taken by the public
33 body of a city or town during a meeting or any recordings on their internet
34 ~~web-site~~ WEBSITE for public inspection within three working days after the
35 meeting and shall also post the approved minutes of all city or town council
36 meetings within two working days following approval of the minutes, except as
37 otherwise specifically provided by this article. IF THE PUBLIC BODY OF A
38 CITY OR TOWN WITH A POPULATION OF MORE THAN TWO THOUSAND FIVE HUNDRED PERSONS
39 POSTS A RECORDING OF THE MEETING ON ITS INTERNET WEBSITE, THE CITY OR TOWN IS
40 NOT REQUIRED TO PROVIDE A WRITTEN TRANSCRIPT OF THE MEETING. THE RECORDING
41 MUST BE A COMPLETE RECORDING OF THE MEETING AND BE IN A FORMAT THAT IS COMMON
42 AND EASILY ACCESSIBLE BY THE PUBLIC. THE RECORDING MAY ACT AS THE APPROVED
43 MINUTES OF THE MEETING IF THE RECORDING IS APPROVED BY THE CITY OR TOWN
44 COUNCIL.

1 E. All or any part of a public meeting of a public body may be
2 recorded by any person in attendance by means of a tape recorder or camera or
3 any other means of sonic reproduction, provided that there is no active
4 interference with the conduct of the meeting.

5 F. The secretary of state for state public bodies, the city or town
6 clerk for municipal public bodies and the county clerk for all other local
7 public bodies shall distribute open meeting law materials prepared and
8 approved by the attorney general to a person elected or appointed to a public
9 body prior to the day that person takes office.

10 G. A public body may make an open call to the public during a public
11 meeting, subject to reasonable time, place and manner restrictions, to allow
12 individuals to address the public body on any issue within the jurisdiction
13 of the public body. At the conclusion of an open call to the public,
14 individual members of the public body may respond to criticism made by those
15 who have addressed the public body, may ask staff to review a matter or may
16 ask that a matter be put on a future agenda. However, members of the public
17 body shall not discuss or take legal action on matters raised during an open
18 call to the public unless the matters are properly noticed for discussion and
19 legal action.

20 H. A member of a public body shall not knowingly direct any staff
21 member to communicate in violation of this article.

22 Sec. 2. Section 39-101, Arizona Revised Statutes, is amended to read:

23 39-101. Permanent public records; quality; storage; violation;
24 classification

25 A. Permanent public records of the state, a county, city or town, or
26 other political subdivision of the state, shall be transcribed or kept on
27 paper or other material which is of durable or permanent quality and which
28 conforms to standards established by the director of the Arizona state
29 library, archives and public records, EXCEPT THAT THE DIRECTOR SHALL ACCEPT
30 AS A PERMANENT PUBLIC RECORD AN ELECTRONIC RECORDING OF THE RECORD THAT
31 CONFORMS TO STANDARDS ESTABLISHED BY THE DIRECTOR.

32 B. Permanent public records transcribed or kept as provided in
33 subsection A shall be stored and maintained according to standards for the
34 storage of permanent public records established by the director of the
35 Arizona state library, archives and public records.

36 C. A public officer WHO IS charged with transcribing or keeping such
37 public records AND who violates this section is guilty of a class 2
38 misdemeanor.