

REFERENCE TITLE: open meetings; minutes; redacted information

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
First Regular Session  
2007

## **HB 2208**

Introduced by  
Representative Adams

AN ACT

AMENDING SECTION 38-431.01, 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 shall post a statement showing the legal actions taken by the public body of  
33 a city or town during a meeting or any recordings on their internet web site  
34 for public inspection within three working days after the meeting and shall  
35 also post the approved minutes of all city or town council meetings within  
36 two working days following approval of the minutes, except as otherwise  
37 specifically provided by this article. AN ADVISORY COMMITTEE, SUBCOMMITTEE,  
38 BOARD OR COMMISSION SHALL POST ITS APPROVED MINUTES, IF ANY, WITHIN TEN  
39 WORKING DAYS FOLLOWING APPROVAL OF THE MINUTES.

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

44 F. ON THE REQUEST OF A PERSON PARTICIPATING IN A MEETING HELD PURSUANT  
45 TO THIS SECTION, THE PUBLIC BODY MAY REDACT FROM THE MINUTES:

1           1. PERSONAL IDENTIFYING INFORMATION OF PERSONS WHO ARE SUBJECT TO  
2 SECTION 39-123.  
3           2. PERSONAL IDENTIFYING INFORMATION SO AS TO PREVENT A PERSON FROM  
4 TAKING THE IDENTITY OF ANOTHER PERSON IN VIOLATION OF SECTION 13-2008.  
5           ~~F.~~ G. The secretary of state for state public bodies, the city or  
6 town clerk for municipal public bodies and the county clerk for all other  
7 local 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.~~ H. A public body may make an open call to the public during a  
11 public meeting, subject to reasonable time, place and manner restrictions, to  
12 allow individuals to address the public body on any issue within the  
13 jurisdiction of the public body. At the conclusion of an open call to the  
14 public, individual members of the public body may respond to criticism made  
15 by those who have addressed the public body, may ask staff to review a matter  
16 or may ask that a matter be put on a future agenda. However, members of the  
17 public body shall not discuss or take legal action on matters raised during  
18 an open call to the public unless the matters are properly noticed for  
19 discussion and legal action.  
20          ~~H.~~ I. A member of a public body shall not knowingly direct any staff  
21 member to communicate in violation of this article.