



## OPEN MEETING LAW

This overview on Open Meeting Law should help the Broadway Boulevard Citizen Planning Task Force (CTF) understand the legal requirements regarding CTF meetings, as well as actions that constitute a violation of Open Meeting Law. More information can be found under the Open Meeting Law topic on the City Clerk's Office website at <http://cms3.tucsonaz.gov/clerks/boards-committees-commissions>.

### What is the Open Meeting Law?

State Law (ARS 38-431 THRU 38-431.09) requires open meetings, and is referred to often as Open Meeting Law. Specifically, it requires that all meetings of a public body be conducted openly, with notices and agendas that contain information necessary to inform the public.

### Purpose of the Open Meeting Law

Open Meeting Law guarantees public access to government and ensures that the people's business is conducted openly.

### Open Meeting Law Elements

- The public must be permitted to attend and listen (Call to the Audience is not required).
- All legal action must occur during a public meeting.
- Minutes or a recording is required, including for subcommittees.
- Any member of the public may record the meeting.
- Public notice is required.
- The room must be large enough to hold the number of people reasonably expected to attend.

### Definition of Meeting

A meeting is a gathering, in person or through technological devices, of a quorum of a public body, in this case the CTF, at which legal action is discussed, proposed, deliberated or taken.

### Components of a Meeting

A posted Meeting Agenda must contain enough information so that the public is informed about the matters to be discussed.

### Meeting Notice Requirements

Posted by City Clerk's office in three places at City Hall and on the City website, the Meeting Notice must be posted at least 24 hours before the meeting by law, and the City of Tucson requests a minimum of 48 hours advance notice. The notice is typically a Meeting Agenda, and it must describe specific matters to be discussed, considered or decided.

### Quorum

A quorum must be present to conduct the meeting. A quorum is 51% of the voting membership of the CTF, or 7 members out of 13 for the Broadway Boulevard CTF.

### **Call to the Audience (*not required under the Open Meeting Law*)**

The Call to the Audience allows the public an opportunity to express concerns on matters within the public body's jurisdiction. It cannot become a discussion, however, but in response to the speakers, a member of the CTF can:

- Request that staff review the matter.
- Request a future agenda item.
- Respond to direct criticism.

### **Executive Sessions**

City of Tucson boards, committees, and commissions generally do not undertake matters that require an executive session. If they must, the Meeting Agenda shall include a general description of the matter. The public body must vote to go into executive session.

### **Legal Action Report**

The Legal Action Report lists action taken for each item on the agenda and is due within three working days of the meeting. It must also be posted on the City Clerk's website. Legal Action Reports remains on the City Clerk's website for one year after the meeting.

### **Minutes (*Meeting Summary*)**

The Minutes, or Meeting Summary in the case of the CTF meetings, is a general description of all items covered and actions taken at the CTF meeting, and should:

- Include names of persons making statements and presenting materials.
- Be either in writing, or a recording of the meeting (or both).
- Upon approval by the CTF, be posted on our website within two days of approval.

### **Violations**

Members of a public body are personally liable for a fine of up to \$500 if you violate Open Meeting Law. It is a violation of the Open Meeting Law if one member sends an email to a quorum of the members that proposes legal action, even if the other members don't respond to the email or take the exchange any further.

### **Cautions/Tips to Avoid Violations of Open Meeting Law**

- **Don't** – "Daisy chain" with phone calls or emails to other CTF members: A to B, B to C, C to D.
- **Don't** – Use the "Spoke and Wheel" method of communicating: A to B, A to C, A to D.
- **Don't** – Consensus building [outside of the CTF meetings] is not permitted.
- **Don't** – Emails, telephone calls, and personal conversations between meetings to discuss potential agenda items are prohibited.
- **Do** – Stay on track. Keep to the agenda item as it was posted, no "wandering off."

### **CTF Facilitator Role**

To avoid a violation of Open Meeting Law, a facilitator has been assigned to represent and communicate on behalf of the CTF. The facilitator will also communicate to the project team for any member of the CTF. Please use the facilitator to communicate regarding CTF business.

For more detailed information, visit the City of Tucson City Clerk's website and view the Open Meeting Law Presentation at: <http://cms3.tucsonaz.gov/sites/default/files/clerks/OML/player.html>