

SPECIAL POINTS
OF INTEREST:

- For the four most recent newsletters go to <http://www.azleg.gov/ombudsman/reports.asp>. For newsletters dating back to July 2008 contact our office at ombuds@azoca.gov.
- Open meeting law and public records law materials and updates are available on our website under publications.
- Training opportunities are posted at <http://www.azleg.gov/ombudsman/presentations.asp>

INSIDE THIS
ISSUE:

Sunshine Week: Let the Sun Shine 1,2,3

Bills Pending at the Legislature 1,2

Parents Seeking Public Records 2

The Public Record

VOLUME 4, ISSUE 1

MARCH 2011

Sunshine Week: Let the Sun Shine

It's that time of year again. Sunshine week is right around the corner: March 13 through 19, 2011. This is a time to highlight the importance of open government and access to government records.

In Arizona, the focus turns to our open meeting law and public records laws (Arizona Revised Statutes Titles 38 and 39). These laws assure public access to meetings and records at all levels of government.

Still, many might wonder, what is the purpose or importance of these laws? The simple answer is transparency in government.

The purpose of the open meeting law is to ensure transparency in the deliberations on which public policy is based. If the public is

not aware of the considerations that underlie a governing board's actions, it cannot truly judge those decisions by their merits. By requiring that all discussions and deliberations of a quorum of the public body take place in front of the people whose interests are supposed to be represented by the public body, the public body is more likely to reach a decision that best serves those interests,

Similarly, the purpose of the public records law is to guarantee that the public has access to government records that memorialize its activities and hold government accountable.

Here are a few highlights from past newsletters:

- The public has a right to

attend all meetings of public bodies as defined under A.R.S. § 38-431.

- The public is entitled to record meetings.
- A public body may not use secret ballots to vote on matters during a public meeting.
- Unless an actual emergency requires immediate action, public bodies may only discuss matters that are specifically listed on the agenda at least 24 hours prior to the scheduled meeting.
- Public bodies may enter closed meetings for one of seven reasons provided by statute.

(Continued on page 2)

Bills Pending at the Legislature

There are several Bills pending at the legislature that if passed, would affect Arizona's Public Records and Open Meeting Laws:

HB2366: Amends A.R.S. § 39-121.01 to permit public officers to delete the name, address, or any identifying information from communications which constitute

public records sent or received through their personal mailing address, personal computer, or personal telephone or any other type of personal electronic or internet mechanism prior to public disclosure.

HB2440 adds A.R.S. § 39-129, which requires public bodies to

maintain a record of all settled claims and deems all settlement agreements involving a public body public record subject to disclosure except specific portions as provided by statute.

SB1215: Amends A.R.S. § 38431.01(H), making calls to the

(Continued on page 2)



Sunshine week is March 13 through 19, 2011.

Oral argument available on court's website .



Sunshine Week

(Continued from page 1)

- Entities created by a public body subject to the open meeting law are also subject to the open meeting law. This includes committees, advisory committees, and subcommittees.
- Any person may request access to public records, or copies of public records in person or by contacting a public body by letter, telephone or

electronic means - including fax or e-mail.

- The custodian may deny access to records for any one of three reasons: 1) the record or information is deemed confidential by law, 2) the custodian determines that an individual's privacy interest outweighs the public's right to know, or 3) the custodian determines that disclosure is detrimental to the best interests of the

public body. If only some information is confidential, private, or against the best interests, it should be redacted (blacked out) and the remainder of the record should be provided.

- Public bodies may not charge a fee simply to examine a record, but may impose a reasonable copying fee for providing

(Continued on page 3)

Pending Legislation

(Continued from page 1)

public mandatory.

HB2249: Amends 38-431.02 (D), defining actual emergency for school boards as an event that seriously threatens the functioning of the school district or the preservation or protection of property, public health, or safety. It also amends subsection (G), requiring school district governing

boards to post meeting agendas at least seven days before the scheduled meeting except in the case of an actual emergency.

To review the text and status of these bills, go to www.azleg.gov and enter the bill number.

Parents Seeking Public Records

In our October 2010 newsletter, we discussed the status of *Congress Elementary School District v. Warren*.

In this case, the school district is attempting to enjoin four women from

seeking public records.

The superior court dismissed the action and the school district appealed.

Oral argument was held on February 22, 2011 before the Arizona Court of Appeals.

Within the next week or so, you will be able to access the

audio files recorded in court on the court's website at no charge. Just go to <http://www.cofad1.state.az.us/>

On the left side of the page select oral arguments and click on the link. Select CR1_02-22-2011_cv100361.mp3.



Arizona Ombudsman – Citizens’ Aide

3737 N. 7th Street
Suite 209
Phoenix, AZ 85014

Phone: 602-277-7292
Toll free: 800-872-2879
Fax: 602-277-7312
E-mail: ombuds@azoca.gov
Website: www.azoca.gov

**Making government more responsive
to the people of Arizona**

Greetings!

I hope our Spring newsletter finds you doing well. As always, our goal is to provide you with timely and informative information related to Arizona’s Public Record and Open Meeting Laws.

If you have information you would like to share in an upcoming newsletter, or questions you want answered, please feel free to contact our office.

I would also like to take this opportunity to say goodbye. I am leaving the Ombudsman’s Office to embark on a new opportunity. Thank you all for teaching me so much and for being so great to work with during the past four years.

Sincerely,

Liz Hill

Assistant Ombudsman—Public Access

Sunshine Week

(Continued from page 2)

copies of records. This may not include the time for searching, retrieving, reviewing, or redacting records. However, additional fees may be imposed for commercial requests.

- Records maintained electronically must be provided in their electronic format upon request, including any embedded metadata. This includes electronic data stored in databases.

Public bodies or members of the public that have questions about public records or open meetings may call the Arizona Ombudsman—Citizens’ Aide at 602-277-7292 or toll free at 1-800-872-2879.