

ARIZONA'S OPEN MEETING LAW

School Councils Conducting
Public School Business in Public

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Purpose of the OML

- Ariz. Att’y Gen. Opinion I05-004 ...
- “The OML is intended to open the conduct of government business to public scrutiny and prevent public bodies from making decisions in secret.”
- “Devices used to circumvent the OML and its purpose violate the OML and will subject members of the public body and others to sanctions.”



Notice

- 24 Hours Notice of any meeting
 - Notice to the Public and all members of the School Council
 - Notice must include how to obtain a copy of the Agenda
 - Notice Pitfalls
 - Posted inside a locked building
 - Posted in a place where it can be removed
 - Two sided page posted with only one side showing



The Agenda

- Must specifically list each item to be considered, discussed or decided at the meeting
- Use plain language
- At the meeting ... Don't stray from the agenda



Executive Sessions

- Generally not applicable to School Councils
 - Legal advice
 - Negotiations
 - Personnel Issues regarding assignment, dismissal, salaries etc.
- Private but not SECRET
 - Agenda and Minutes required



Meeting Locations

- Must be accessible
 - Keep it a public place
- Can move it to a larger place if necessary



Public's Rights

- Attend
- Listen
- Tape record or video tape



Public has NO Right to:

Speak or Disrupt

Warnings are helpful for the record



Call to the Audience

- Is not required
- If you have one the Council may only respond as follows:
 - An individual may respond to individual criticism
 - Ask staff to review
 - Ask to place the item on the agenda (& then do it!)



Quorum

- To hold a meeting you must have a quorum
- Caution! Quorum = meeting
 - Parking Lots
 - E-mail
 - Telephone calls
 - Social events



Minutes

- Meetings must be recorded either through minutes or by being tape recorded
- Minutes must be made available to the public within 3 working days.
- Minutes must be maintained for Executive Sessions as well but remain confidential



Minutes - continued

- Minutes must include:
 - Date, time and place of meeting
 - Members present and absent
 - General description of matters considered
 - Accurate description of decisions made
 - Names of members who propose each motion
 - Names of individuals making presentations to the group and any action taken thereon by the group.



Sanctions for Violations of the OML

- Members and any person who aids
- \$500 civil penalty for each violation
- Reasonable attorney fees
- Other equitable relief
- If intent is to deprive public of information
– member may be removed from office
and must pay costs and fees.



Avoiding Sanctions

- Remember and respect the purpose of the OML
- Don't take shortcuts
- Remember the QUORUM rules



OOPS!

All actions taken in violation
of the OML are null and void.

What to do if you realize that you've
made a mistake

RATIFY



Ratification

- Ratification is the manner by which you correct a mistake.
- Must be timely ... within 30 days of discovery (or when the violation should have been discovered)



School Councils Conducting Public School Business in Public

Conducting government business, that is, public school business, in a manner that is open to public scrutiny and where decisions are not made in secret.

As a public servant, this is your
responsibility to those you serve.

