

**FILED**  
MAR 7 2002  
NOEL K. DESSAINT  
CLERK SUPREME COURT  
BY

**IN THE SUPREME COURT OF THE STATE OF ARIZONA**

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In the Matter of: )  
 )  
ARIZONA CODE OF JUDICIAL )  
ADMINISTRATION § 1-202: )  
PUBLIC MEETINGS )  
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\_\_\_\_\_ )

Administrative Order  
No. 2002- 22

The above captioned provision having come before the Arizona Judicial Council on December 13, 2001, and having been approved and recommended for adoption,

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the above captioned provision, attached hereto, is adopted as a section of the Arizona Code of Judicial Administration.

Dated this 7th day of March, 2002.

  
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CHARLES E. JONES  
Chief Justice

# ARIZONA CODE OF JUDICIAL ADMINISTRATION

## Part 1 : Judicial Branch Administration

### Chapter 2: Operations

#### Section 1-202: Public Meetings

**A. Policy.** To promote openness in government by assuring that the public has an opportunity to attend the meetings of all public councils of the supreme court and the Administrative Office of the Courts (AOC) while providing flexibility to close meetings when necessary.

**B. Definitions.** In this section, the following definitions apply:

“Public council” means any council, commission, board or committee established by administrative order that includes any public members or members who are judges or employees of different courts or established by a statute that provides for the supreme court to appoint members and adopt rules.

“Meeting” means gathering of the majority of the members of a public council whether in person or electronically for the purpose of discussing or conducting public council business other than an adjudicatory hearing conducted by a public council.

“Legal advice” means communication to the public council by an attorney employed by or representing any Arizona court regarding facts and information that have legal ramifications, the legality of various legal options, a recommended course of action and response to any questions about the communication.

**C. Procedures.**

1. Meeting Notice.

- a. Posting. Public council staff shall post meeting notices in the state courts building in a public area and on the Arizona Supreme Court internet site maintained by the Administrative Office of the Courts at least 48 hours prior to a meeting. Public council staff shall send additional notice of a meeting held in a county other than Maricopa to the clerk of the court of that county for posting at each location of the superior court in that county at least 48 hours in advance of the meeting. Notice of an emergency meeting shall be provided in these locations as soon as possible after the meeting location, time and agenda are established.
- b. Content. A notice shall identify the public council and the date, time and location of the meeting, specifying the name of the building, street address and room number where the meeting is located. The notice shall identify a person or an office to contact to obtain a copy of the meeting agenda. The notice shall include the following statement: "Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, telephone, text telephone number). A person requesting an accommodation should make

the request as early as possible to allow time to arrange the accommodation" (See sample notice, Appendix 1.)

2. Meeting Agenda.

- a. Availability. The contact person for the public council identified in the meeting notice shall have the agenda available at least 48 hours prior to the meeting for distribution in response to requests from the public.
- b. Content. The meeting agenda shall state each item to be addressed. The agenda shall also state, without breaching confidentiality, the general subject of an executive session and the specific provision of this section that authorizes the executive session.
- c. Adherence. All public councils shall adhere to the published meeting agenda unless by majority vote the council determines:
  - (1) Deviation from the agenda is necessary to address a matter that the public council and staff could not have reasonably anticipated, and
  - (2) Delaying the matter until the next meeting would be detrimental to the work of the public council and the interests of the public, and
  - (3) Addressing the matter without public notice would not significantly impair public awareness of the matter.

3. Public Comment. All agendas shall include a "Call to the Public" provision prior to meeting adjournment. The chair of the public council shall announce the opportunity for public comment regardless of whether a member of the public is in attendance or has expressed any desire to comment. The chair may impose reasonable time, place and manner limitations upon meeting participants including setting time limits, banning repetition and prohibiting profanity and disruptive behavior.

4. Public Access to Meetings. The public shall be permitted to attend meetings and listen to deliberations of public councils except as provided in subsection 5 below. The chair may permit public comment, other than during the call to the public, as appropriate. Public council staff shall schedule meetings in locations reasonably accessible to the public, including persons with disabilities, in rooms large enough to accommodate anticipated public attendance.

5. Executive Sessions. Upon a call by the chair or a majority vote of the members constituting a quorum, a public council may hold an executive session but only for the purposes stated below. The chair shall announce the general subject of the executive session and the specific provision of this rule authorizing the executive session without breaching confidentiality. Attendance shall be limited to members of the public council and additional persons whose presence is reasonably necessary for the public council to perform its executive session responsibilities. An executive session may be held for any of the following purposes:

- a. Discussion or consideration of hiring, assignment, appointment, job performance, promotion, demotion, dismissal, salary, discipline, resignation, ethical misconduct or alleged criminal conduct of a public officer, appointee or employee of the Arizona judiciary;
- b. Discussion or consideration of records or matters made confidential or privileged by statute, court rule or this code;
- c. Discussion or consultation with an attorney employed by or representing any judicial entity regarding legal advice, potential litigation or pending litigation;
- d. Discussion or consultation with officers, appointees or employees of the judiciary regarding negotiations for the purchase or lease of real property or for contracting for goods or services;
- e. Discussion or consideration of court security or emergency response;
- f. Discussion or consultation regarding relations with other governmental entities; or
- g. Discussion or consultation in order to consider the position of the public council and to inform staff regarding the position of the public council regarding proposed or pending legislation.

**D. Meeting Minutes.**

1. Content. Public council staff shall keep meeting minutes, in writing or on tape that include:
  - a. The meeting date, time and place;
  - b. The members attending;
  - c. The matters considered;
  - d. The results of all votes taken; and
  - e. The names of all persons who address the public council.

Standing subcommittees of public councils shall also keep minutes of their meetings.

2. Availability. The contact person identified for each public council shall make the minutes available for public inspection, as soon as practicable but no more than 20 working days after the meeting.
3. Executive sessions. Executive session minutes shall identify persons present and include any instructions given by the public council. Persons present shall keep executive session

discussions and minutes confidential except from personnel of the Arizona judiciary who require access to perform their duties and other persons authorized by law. The chair shall instruct persons who are present at an executive session regarding these confidentiality requirements.

**E. Noncompliance.**

1. Remedial Measures. All public council chairs and staff persons shall comply with the provisions of this policy as one of the duties of their positions. If noncompliance is discovered, the chair of the public council, chief justice or administrative director shall take reasonable measures consistent with this code to bring the public council into compliance. Such measures may include reconsideration of a matter at a subsequent meeting.
2. Validity. Failure to comply with this code in any respect shall not be a basis for invalidation of any action of a public council.

**Section 1-202: Public Meetings**

**APPENDIX 1**

**NOTICE OF MEETING**

The (name of public council) will hold a meeting on the (date) of  
(month) 20-

at

(location)

The meeting will begin at (time) o'clock (am/pm)

An agenda of the items to be considered, discussed, or decided may be obtained from the Administrative Office of the Courts, Arizona Supreme Court, 1501 West Washington, Phoenix, Arizona 85007 at least 24 hours in advance of the meeting. Agendas will be available between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday. Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, phone, text telephone number). A person requesting an accommodation should make the request as early as possible to allow time to arrange the requested accommodation.