

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Proposal Cover Sheet

Part 1: Judicial Branch of Administration

Chapter 2: Operations

Section 1-202: Public Meetings

- 1. Effect of the proposal:** This section is being amended to remove the requirement that standing subcommittees of public councils are to keep minutes of their meetings. By removing this requirement, the section now gives the standing subcommittees the option to keep, or to not keep, minutes of their meetings.

Typically committees, commissions, and task forces staffed by the AOC from time to time form temporary or longer-term subcommittees to develop preliminary recommendations that the full committee is later asked to approve. There are currently some 42 workgroups and subcommittees in existence for the committees and commissions staffed by the Court Services Division alone. Many of these sub-groups meet without AOC staff present as we simply do not have the resources to staff all of these meetings.

This requirement surfaced recently when a request was made for the notes/minutes from a subcommittee of one of our Supreme Court committees. This request raised the question of whether someone should be assigned to prepare minutes of subcommittees.

It is clear that under ACJA 1-202 (Public Meetings), such subcommittee meetings are not "public" meetings; so the provisions of the rule generally do not apply to subcommittees. However, 1-202(D)(1)(f) requires standing subcommittees to create minutes of their meetings rather than the common practice of taking notes. Subcommittee members typically rely upon their memories supplemented by notes of discussions to report back to the committee. At that point the report of the subcommittee is captured in committee minutes.

Our research suggests that there has never been a determination that standing subcommittee minutes are necessary to the work of committees or to inform the public of this work. Instead, it appears that the language of subsection (f) was brought forward from the original administrative order and probably should have been considered for revision when the administrative order language was changed in the conversion to an ACJA section. Therefore, we are recommending a change to conform the rule to current practice.

- 2. Significant new or changed provisions:**

It is proposed that ACJA § 1-202 be amended by deleting subsection D (1)(f) which reads:

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

- 3. Committee actions and comments:** The Limited Jurisdiction Committee unanimously recommended approval.
- 4. Controversial issues:** None known.

5. Recommendation: Recommend amendment of the code section as requested.

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A. through C. [no changes]

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.
 - f. ~~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. [no changes]

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APPENDIX 1

[no changes]