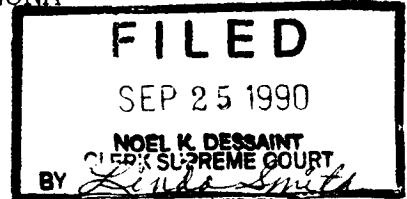


IN THE SUPREME COURT OF THE STATE OF ARIZONA



IN THE MATTER OF:)
PUBLIC MEETING REQUIREMENT)
_____)

ADMINISTRATIVE
ORDER NO. 90-41

Pursuant to Article VI, Section 3, of the Arizona Constitution and in order to assure openness in the administration of the judicial branch through the opportunity for public access to meetings of all public councils and committees of the Supreme Court,

IT IS ORDERED that all such public councils and committees adhere to the following requirements:

DEFINITION

Public Councils and Committees

All councils and committees established by Supreme Court Administrative Order or by the authority of the Administrative Director which include members who are not Supreme Court or Court of Appeals employees. Task forces which report to public councils or committees are not themselves public councils or committees.

PROCEDURES

A. Meeting Notice

1. Posting

Notices of each public council or committee meeting shall be on display in public areas in Maricopa and Pima Counties at least 24 hours prior to the meeting. Notice of a meeting held in a county other than Pima and Maricopa shall also be posted in that county.

Meeting notices shall be sent to and posted by the Clerk of the Superior Court in Maricopa and Pima Counties and also to the Clerk of the Court of the county where the meeting is to be held outside Maricopa and Pima.

2. Content

A notice shall identify the public council or committee and the date, time and place of the meeting specifying the name of the building, the street address and room number where the meeting is located.

3. Information

Copies of all meeting notices identifying an appropriate contact person shall be placed in a central file maintained by the Community Relations Specialist of the Administrative Office of the Courts.

B. Meeting Agenda

1. Availability

The agenda shall be available upon request at least 24 hours prior to the meeting from the contact person identified for each council or committee as indicated in the meeting notice.

2. Adherence to Agenda

All councils and committees shall adhere to the published meeting agenda unless by majority vote the committee determines:

- (a) Deviation from the agenda is necessary to address a matter that could not be reasonably anticipated, or
- (b) Delaying the matter until the next meeting could be detrimental to the work of the committee, or
- (c) 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 committee or council shall announce the opportunity for public comment regardless of whether public is in attendance or has expressed any desire to comment.

C. Public Access to Meetings

The public may attend meetings and listen to deliberations of public councils and committees. Public comment, other than during the Call to the Public may be permitted as appropriate at the discretion of the Chair. Meetings shall be held in locations reasonably accessible to the public in rooms large enough to accommodate anticipated

public attendance.

D. Meeting Minutes

Minutes shall be kept, in writing or on tape, by all public councils and committees. These minutes shall be maintained by the contact person identified for each council or committee in a file open to public inspection. Meeting minutes must be available for public inspection ten working days after the meeting.

Standing subcommittees shall keep minutes of their meetings.

NONCOMPLIANCE

- A. All chairs and staff persons of public councils and committees are expected to comply with the provisions of this policy as part of the duties of their positions. When noncompliance is discovered, reasonable measures consistent with the purposes of this policy shall be taken to bring the council or committee into compliance.
- B. Failure to comply with this policy in any respect shall not be a basis for restraint or invalidation of any action of a public council or committee.

DATED this 25th day of September, 1990.

APPROVED:

FRANK X. GORDON, JR.
Chief Justice