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DISTRICT 23

Arizona House of Representatives
 Phoenix, Arizona 85007

JOINT LEGISLATIVE BUDGET
 JOINT COMMITTEE ON CAPITOL REVIEW
 ADMINISTRATION

January 29, 2020

The Honorable Mark Brnovich
 Arizona Attorney General
 1275 West Washington
 Phoenix, AZ 85007

Re: Opinion Request on Public Meetings and Proceedings, A.R.S. §38-431.01(H)

Dear Attorney General Brnovich:

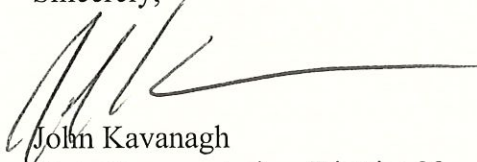
I write to request your opinion. In particular, I request that you issue an opinion regarding the operation of A.R.S. §38-431.01(H), or any other relevant statute that responds to the question detailed below.

A.R.S. §38-431.01(H) outlines a public body's response following an open call to the public during a public meeting. Specifically, this provision permits the following response:
"...individual members of the public body may respond to criticism made by those who have addressed the public body, may ask staff to review a matter or may ask that a matter be put on a future agenda."

Although this provision says that individual members of the public body *may* respond to criticism, ask staff to review, or put the matter on a future agenda, what happens if a rule or practice of the specific public body disallows one of those three responses? For example, suppose that a public body's rules do not permit an individual member to refer issues to staff following an open call to the public. Is there a conflict between the statutory language and the public body's rules, and if so, how should it be resolved? Does the public body need to change its rules to conform to the statute?

Please call with any questions and thank you in advance for your response to this opinion request.

Sincerely,



John Kavanagh
 State Representative, District 23
 Arizona House of Representatives

House of Representatives

STATE OF ARIZONA

HOUSE WING, CAPITOL BUILDING
PHOENIX, ARIZONA 85007-2844

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