

Office of Attorney General Terry Goddard



STATE OF ARIZONA
DEPARTMENT OF LAW
1275 W. WASHINGTON STREET
PHOENIX, ARIZONA 85007-2926
WWW.AZAG.GOV

ANDREA M. ESQUER
PRESS SECRETARY
PHONE: (602) 542-8019
CELL PHONE: (602) 725-2200

FOR IMMEDIATE RELEASE

Sunshine Week Quiz

1. Can a public body charge me for inspecting public records?
 - A. No. There is no charge for inspecting public documents. If you want copies, there may be a charge, and the amount may depend on whether you want them for a commercial or non-commercial purpose. The charge may be waived in a few situations, such as police reports requested by victims or family members.
2. If I request a public record, how quickly must it be provided?
 - A. Arizona's Public Records Law says the custodian of the records "shall promptly furnish such copies, photographs or printouts" in response to requests. Though the statute does not define "promptly," judges have held that delays cannot be unreasonable and will be considered on a case-by-case basis, depending on circumstances. These include the scope of the request, the agency's resources and the accessibility of the records.
3. Are any public records NOT available for public inspection?
 - A. Some. A few categories are confidential by law. And in very limited cases, privacy interests or the best interests of the state may be held to outweigh the public's interest in disclosure.
4. Do I have to give a reason why I want to inspect a public record?
 - A. No, your reason is your business. But if you want copies, you may be asked if they are for commercial or non-commercial purposes. And if they are for a commercial purpose, the agency may need to know what it is.

5. Can a public body legally close its doors to the public because its members want to discuss a possible tax increase?
 - A. No. State law specifies only seven reasons for closed meetings (also called executive sessions): (1) personnel discussions; (2) confidential records; (3) legal advice; (4) litigation, contract negotiations and settlement discussions; (5) employee salary discussions; (6) discussions regarding international, interstate and tribal negotiations, and (7) discussions regarding the purchase, sale or lease of real property.
6. Can a citizen record a public meeting?
 - A. Yes. Audio and/or video recordings are permitted, provided they do not interfere with the meeting.
7. Can a public body take legal action behind closed doors in executive session?
 - A. No. Public officials in executive session can receive legal advice, discuss legal action and may, in limited circumstances, direct action, but any decisions to take action must be made in open session.
8. Can a quorum of public officials use email to discuss public issues out of the public's view?
 - A. No. Using email is no different than meeting in person or in a teleconference. Any email exchanged by a quorum that proposes a policy or discusses action that could be discussed at a future meeting is prohibited.
9. If a public body asks a small group of volunteer citizens to handle a task, is that group subject to the Open Meeting Law?
 - A. Yes. Even if the public body does not officially appoint citizens to a committee, any delegation of a public body's work is a delegation of authority and constitutes an appointment. As an appointed committee, it would be subject to the Open Meeting Law.
10. Are homeowner associations subject to the Open Meeting Law?
 - A. No. Homeowners associations are not public organizations and are not subject to the Arizona Open Meeting Law. However, Arizona law does spell out requirements regarding homeowner association meetings with regard to who can attend and how members are notified.
11. Since it's a public meeting, do members of the public have a legal right to speak?

- A. No. The law gives citizens the right to attend public meetings, not to participate in them.

12. Could a public body that wanted to discourage people from attending hold a meeting at 5 a.m.?

- A. No. The law says meetings cannot be scheduled in ways that would inhibit public attendance. Holding a meeting at an inconvenient and unreasonable time would be a violation.

13. If a notice is posted at noon for a 4 p.m. public meeting, does that comply with the law?

- A. No. Notice is required in a place where the public has reasonable access at least 24 hours before a meeting is held. Cities and towns with a population of more than 2,500 must also post notices of all public meetings on their Web sites.

14. Who has authority to enforce the law on open meetings and public records?

- A. The Attorney General's Office enforces the Open Meeting Law and provides training to help public officials comply with it. County attorneys also have enforcement authority, and the Arizona Ombudsman's Office has jurisdiction to receive open meetings complaints and try to resolve them. The Ombudsman's Office also takes public records complaints and attempts to resolve them, but authority to enforce that law rests with the courts.