



Ginger
Attorney General
STATE CAPITOL
Phoenix, Arizona 85007

Robert R. Corbin

December 2, 1980

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ARIZONA ATTORNEY GENERAL

Mr. Jon W. Thompson
Deputy County Attorney
Office of the Yuma County Attorney
P.O. Box 1048
Yuma, Arizona 85364

Re: I80 -202 (R80-245)

Dear Mr. Thompson:

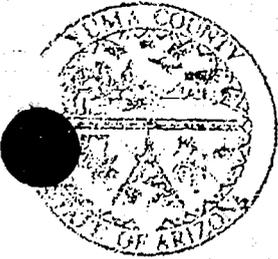
We have reviewed your opinion dated November 7, 1980, to Crane Elementary School district. We concur with your conclusions that the Arizona Open Meeting Law, A.R.S. §§ 38-431 to 431.09, is applicable to committees of the school board whether or not such committees are composed of school board members, and that executive sessions of such committees are permissible only for the limited purposes enumerated in A.R.S. § 38-431.03.

Sincerely,

Bob Corbin

BOB CORBIN
Attorney General

BC:cp



OFFICE OF THE COUNTY ATTORNEY

168 S. Second Avenue
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Yuma, Arizona 85364

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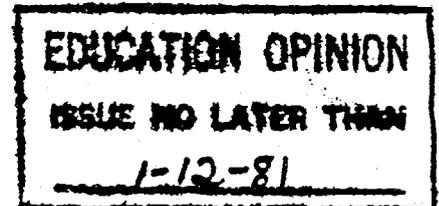
County Attorney

David S. Ellsworth

11-14-80 jpc
POLLARD
R88-245

November 7, 1980

Marilyn Pollard
Assistant Attorney General
State Capitol
Phoenix, AZ 85007



Dear Ms. Pollard:

Enclosed for your consideration are copies of a request for a written opinion on school board matters submitted by the Crane School District, and my response to their inquiries.

Your opinion, approval, or modification of this response is greatly appreciated.

Sincerely,

Jon W. Thompson

Jon W. Thompson
Deputy County Attorney

JWT/max
Enclosures



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David S. Ellsworth

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EDUCATION OPINION
ISSUE NO LATER THAN
10/2-81

11-14-80 JEC
POLLARD
R80-245

November 7, 1980

Kenny Evans, President
Board of Trustees
Crane Elementary School
District #13
4250 West 16th Street
Yuma, AZ 85364

Dear Mr. Evans:

In response to your request for an opinion on certain School Board matters, a copy of which request is attached, I would apprise as follows:

1978 Amendments to the Arizona Open Meeting Law. A.R.S. §38-431 et seq. considerably broadened the requirements that meetings of public bodies be open to the public.

With reference to question 1, and contrary to the Court's holding in Washington School District No. 6 vs. Superior Court, current law now provides that all advisory committees and sub-committees appointed by governing bodies thereof, are public bodies. A.R.S. §38-431(4).

Meetings of such public bodies to propose or take legal action or to merely deliberate with respect to such action shall be public meetings. A.R.S. §§38-431.01, 38-431(3). Therefore, regardless of whether members of the "Meet and Confer" committees are also members of the Board, committee meetings to take or even discuss legal action must be open to the public.

With reference to questions 2 and 4, technically a committee which meets solely to receive information, which does not discuss the information, nor makes recommendations with regard to it could avoid the public meeting requirements for

Kenny Evans, President
November 7, 1980
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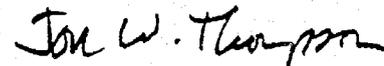
lack of the elements of a "meeting" concerning "legal action". Practically speaking, such a passive committee is difficult to imagine. Further, the presence of one or more members of the governing Board would almost certainly put the committee within the public meeting requirements of the Act.

Any public bodies, including "Meet and Confer" committees, may meet in executive session for the limited, internal or necessarily private purposes enumerated in A.R.S. §38-431.03, as posited by question 3. Such session must be noticed publicly pursuant to A.R.S. §38-431.02(B), and no final legal action can be taken. §38-431.03(C).

Finally, it should be noted that mere technical compliance with the provisions of the Act may not be sufficient to avoid violations and resulting sanctions. As the opinion of the Attorney General No. 75-8, p. 55, 1975-76 warns, any discussions, deliberations, or evasive devices which attempt to circumvent the purposes of the Open Meeting Law are violations of the Act potentially leading to the application of appropriate sanctions. Thus, errors arising out of doubt should be made in the direction of open meetings.

It is hoped that this discussion will prove helpful to the Board in attempting to deal with the issues it has posed.

Sincerely,



Jon W. Thompson
Deputy County Attorney

JWT/max
Enclosure