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Robert K. Corbin

May 11, 1988

The Honorable Bill English  
Arizona State Representative  
State Capitol - House Wing  
Phoenix, Arizona 85007

Re: I88-055 (R88-036)

Dear Representative English:

You have asked for an opinion concerning the applicability of Arizona's Open Meeting Law, A.R.S. §§ 38-431 to -431.09, to a nonprofit private corporation known as the Green Valley Community Coordinating Council, Inc. ("the Council").

The Open Meeting Law applies to public bodies. See A.R.S. §§ 38-431.01(A), (B) and 38-431.02(A). "Public body" is defined in A.R.S. § 38-431(5) as follows:

[T]he legislature, all boards and commissions of the state or political subdivisions, all multi-member governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivision, including without limitation all corporations and other instrumentalities whose boards of directors are appointed or elected by the state or political subdivision. Public body includes all quasi-judicial bodies and all standing, special or advisory committees or subcommittees of, or appointed by, such public body.

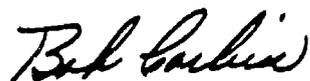
"Political subdivision" means all political subdivisions of the state, including without limitation all counties, cities and towns, school districts and special districts." A.R.S. § 38-431(4).

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Green Valley is not a county, city, town, school district or special district. Furthermore, Green Valley has none of the statutorily created powers that characterize such bodies. While the voting membership of the Council may represent the majority of the homeowners in Green Valley and while one of the Council's purposes is to represent the interests of the Green Valley community to county, state and federal bodies and agencies and to any persons, firms or organizations affecting the community, the fact remains that Green Valley is not a political subdivision. Consequently, the Council, which is in effect, a large homeowner's association, is neither a multi-member governing body nor instrumentality of a political subdivision, and is neither a corporation nor an instrumentality whose board of directors are elected by a political subdivision. Therefore, the Council is not a "public body" and is not subject to Arizona's Open Meeting Law.<sup>1/</sup>

Nonetheless, we believe the council should be strongly encouraged to always conduct public meetings which are properly noticed. Because it is obvious that the council has a great deal of influence on community affairs, we believe the public should always be invited to attend, observe and even participate in the Council's deliberations.

Sincerely,



BOB CORBIN  
Attorney General

BC:SHM:pnw

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<sup>1/</sup>If the Board of Supervisors had appointed the association as an advisory committee, they would be subject to the Open Meeting Law. It would of course be an improper delegation of authority if any governmental agency allowed the association to exercise any authority of the governmental agency. We have no information that either of these has occurred.