

ARIZONA CODE OF JUDICIAL ADMINISTRATION
Part 1: Judicial Branch Administration
Chapter 2: Operations
Section 1-202: Public Meetings
[Added text is shown underlined, deleted text by ~~strikethrough~~]

A. [No change]

B. Definitions. In this section, the following definitions apply:

“Public council” means any council, commission, board, or committee established by administrative order that includes any public members or members who are judges or employees of different courts or established by a statute or court rule that provides for the supreme court to appoint members and adopt rules.

“Meeting” means gathering of a quorum ~~the majority~~ of the members of a public council, whether in person or electronically, for the purpose of discussing or conducting public council business other than an adjudicatory hearing conducted by a public council.

“Legal advice” means communication to the public council by an attorney employed by or representing any Arizona court regarding facts and information that have legal ramifications, the legality of various legal options, a recommended course of action, and response to any questions about the communication.

“Quorum,” except as otherwise provided by law, means the majority of the public council then-appointed and eligible to vote.

C. Procedures.

1. Meeting Notice.

- a. Posting. Public council staff shall post meeting notices in the state courts building in a public area and on the Arizona Supreme Court internet site maintained by the AOC Administrative Office of the Courts at least 48 hours prior to a meeting. Public council staff shall send additional notice of a meeting held in a county other than Maricopa to the clerk of the court of that county for posting at each location of the superior court in that county at least 48 hours in advance of the meeting. Notice of an emergency meeting shall be provided in these locations as soon as possible after the meeting location, time, and agenda are established.
- b. Content. A notice shall identify the public council and the date, time, and location of the meeting, specifying the name of the building, street address, and room number where the meeting is located. The notice shall identify a person or an office to contact to obtain a copy of the meeting agenda. The notice shall include the following statement: "Persons with a disability may request a reasonable accommodation, such as auxiliary aids or materials in alternative formats, by contacting (name of contact person) at (address, telephone, text telephone number). A person requesting an accommodation should make the request as early as possible to allow time to arrange the accommodation. (See sample notice, Appendix 1.)"

2. Meeting Agenda.

- a. and b. [No change]

- c. Adherence. All public councils shall adhere to the published meeting agenda unless by majority vote the public council determines:
 - (1) Deviation from the agenda is necessary to address a matter that the public council and staff could not have reasonably anticipated;~~and~~
 - (2) Delaying the matter until the next meeting would be detrimental to the work of the public council and the interests of the public;~~and~~
 - (3) 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 public council shall announce the opportunity for public comment regardless of whether a member of the public is in attendance or has expressed any desire to comment. The chair may impose reasonable time, place and manner limitations upon meeting participants, including setting time limits, banning repetition, and prohibiting profanity and disruptive behavior.
- 4. [No change]
- 5. Executive Sessions. Upon a call by the chair or a majority vote of the members constituting a quorum, a public council may hold an executive session but only for the purposes stated below. The chair shall announce the general subject of the executive session and the specific provision of this rule authorizing the executive session without breaching confidentiality. Attendance shall be limited to members of the public council and additional persons whose presence is reasonably necessary for the public council to perform its executive session responsibilities. An executive session may be held for any of the following purposes:
 - a. Discussion or consideration of hiring, assignment, appointment, job performance, promotion, demotion, dismissal, salary, discipline, resignation, ethical misconduct, or alleged criminal conduct of a public officer, appointee, or employee of the Arizona judiciary;
 - b. Discussion or consideration of records or matters made confidential or privileged by statute, court rule, or this code;
 - c. Discussion or consultation with an attorney employed by or representing any judicial entity regarding legal advice, potential litigation, or pending litigation;
 - d. Discussion or consultation with officers, appointees, or employees of the judiciary regarding negotiations for the purchase or lease of real property or for contracting for goods or services;
 - e. through g. [No change]
- 6. Action. Approval of a majority of those voting shall constitute an action of the public council.

D. Meeting Minutes.

- 1. Content. Public council staff shall keep meeting minutes, in writing or on tape, that include:
 - a. The meeting date, time, and place;

b. through e. [No change]

2. and 3. [No change]

E. Noncompliance.

1. Remedial Measures. All public council chairs and staff persons shall comply with the provisions of this policy as one of the duties of their positions. If noncompliance is discovered, the chair of the public council, chief justice, or administrative director shall take reasonable measures consistent with this code to bring the public council into compliance. Such measures may include reconsideration of a matter at a subsequent meeting.

2. [No change]

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APPENDIX 1

[No change]