

MEMO RE GUIDANCE FOR HOLDING GOVERNING BOARD MEETINGS THROUGH TECHNOLOGICAL MEANS

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On March 13, 2020, Arizona Attorney General Mark Brnovich issued an informal opinion relating to the conduct of public meetings during the current outbreak of COVID-19.

The purpose of this memo is to provide a summary of the opinion to Arizona School Risk Retention Trust (“Trust”) members. Although this summary attempts to capture the relevant recommendations, we also direct you to the [March 13, 2020 Attorney General's Opinion Letter](#) and an earlier [2008 Arizona Attorney General Opinion Letter](#) that addresses public meetings conducted online.

The Trust appreciates the following firms peer reviewing this document: Gust Rosenfeld, DeConcini McDonald Yetwin & Lacy, Sims Mackin, and Hufford, Horstman, Mongini, Parnell & Tucker. Please contact the Trust or local counsel if your District requires legal advice.

Issue: Can school Governing Boards meet through technological means and comply with Arizona public meeting laws?

Above all, the Attorney General’s informal opinion emphasizes that meetings may be held remotely, but they must satisfy two primary requirements for all public meetings: 1) proper notice and 2) public access.

In the case of a remote meeting, details regarding the nature of the meeting and instructions for access should be included in the notice.

Whatever technology is used to achieve the meeting should allow any member of the public to listen to/view the meeting and witness all proceedings clearly.

Remote meetings using technologies are permitted with proper notice.

- Notice and agenda must be posted 24 hours in advance unless there is an emergency.
- The nature of the meeting should be stated in the notice of meeting.
- A statement must be posted on the District’s website informing public of nature of meeting.

- Notice should include specific instructions for public access to the meeting.
 - URL, specific directions for access, conference call number, etc.
- Provide instructions for technical support for members of the public attempting to access.

The Governing Board must ensure that members of the public can watch or listen to all proceedings of the meeting.

- This includes statements, comments, or questions from all board members and anyone else presenting at the meeting.
- Note members who participate telephonically/via video conference at the beginning of the meeting and in the minutes.
- Develop procedures to identify members participating remotely:
 - Ask participants in the meeting to identify themselves before speaking.
 - Include printed materials on the District's website.
 - Ask participants to mute microphones/phones while not speaking.
 - Record the meeting.
 - Take other steps as necessary.

The Governing Board is permitted to but is not required to hold a "Call to the Public."

- This may also be achieved via technology.
- The same requirements apply to a "Call to the Public."

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