

**ARIZONA BOARD OF EXECUTIVE CLEMENCY**

**BOARD POLICY #207**

<b>Policy Title:</b>  <b>BOARD BUSINESS RECORDS</b>	<b>Effective Date: July 06, 2017</b>	<b>Policy #207</b>
	<b>Supersedes: April 15, 2015 (Previously #303)</b>	<b>Pages: 4</b>

**PURPOSE**

The purpose of this policy and procedure is to establish guidelines pertaining to the record of the Board's business and hearings.

**AUTHORITY**

A.R.S. § 38-424  
A.R.S. § 38-431  
A.R.S. § 39-121.01

**PROCEDURE**

**207.1 Board Business**

- 1.1 The Board of Executive Clemency shall maintain minutes through electronic recording of all meetings; executive sessions; and hearings . The recorded hearings shall be the official record and minutes of the Board proceedings.
- 1.2 The Executive Director shall ensure that a copy of the recording of any hearing or meeting be made available for public review within three business days, excluding holidays, after a hearing or meeting.
  - 1.2.1 The Board's official record of its mandated hearings relating to inmates and/or offenders and any executive sessions shall be the audio copies of each hearing.
  - 1.2.2 The Board's office record of its business meeting record shall be written minutes.
- 1.3 The records of the Board's business shall be maintained at the Board's office for the

length of time required by established retention schedules and shall be subject to public inspection in accordance with A.R.S. § 39-121.01.

## **207.2 Meeting Record Equipment Preparation and Process**

- 1.4 A designated office staff person shall ensure the boardroom is in order and all electronic recording equipment is operational prior to the start of the business day. All equipment will be shut down at the end of the business day. The staff person will:
  - a. turn on/off the master computer controls to ensure the red recorder light is displayed;
  - b. turn on/off the back-up recorder located in front of the Board's bench to ensure the green light is on; and
  - c. turn on/off all microphones at each station on the Board's bench and the microphone located at the visitor's podium.

## **207.3 Business Meeting Record**

- 2.1 A complete recording must be maintained for the Board's business meetings. The record shall be complete of all discussions, motions, and votes occurring during the meeting. The recording shall be the official record of the proceedings.
  - 2.1.1 The minutes of business meetings shall be transcribed in written form and posted on the Board's website with three working days.
- 2.2 Minutes of the Board's business meetings may be distributed before they have been officially approved at a subsequent meeting. The minutes shall be marked as "draft" or "unapproved."
- 2.3 Contents of the business meeting minutes must contain the following information:
  - a. date, time and place of the meeting;
  - b. the members of the public body recorded as either present or absent;
  - c. a general description of the matters discussed or considered. Minutes must contain information regarding the matter even though no formal action or vote was taken with respect to the matter;
  - d. an accurate description of all legal actions proposed, discussed or taken and the names of persons who proposed each motion;
  - e. the name of each person "making statements or presenting material to the public body and a specific reference to the legal action," to which the statement or presentation relates;

- f. if the discussion in the public session did not adequately disclose the subject matter and specifics of the action taken, the minutes of the public meeting at which such action was taken should contain sufficient information to permit the public to investigate further the background or specific facts of the decision;
- g. if matters not on the agenda were discussed or decided at a meeting because of an actual emergency, the minutes must contain a full description of the nature of the emergency; and
- h. if a prior act was ratified, the minutes must contain a copy of the disclosure statement required for ratification.

#### **207.4 Executive Sessions Record**

4.1 The recorded minutes of an executive session shall be a complete recording of all matter discussed. The Chairman shall note on the record when the Board has entered and exited the session.

4.1.1 The audio placed on a compact disc shall serve as the official record of the hearing.

4.2 At the conclusion of an executive session, the Executive Director's designee shall immediately place the audio on a compact disc and provide to the Executive Director.

4.2.1 Records of the Executive Session shall be maintain in a secure location accessible only by the Executive Director or Board Chairman.

4.3 Recordings of all executive sessions are exempt from public access and shall not be released unless authorized under A.R.S. § 38-431.03.

#### **207.5 Board Hearing Record**

5.1 All Board hearings shall be recorded. The recorded minutes will be the official record of the proceedings. Hearings shall not transcribed by the Board.

5.1.1. The Panel Chair shall be responsible for fully completing the designated voting record used for each hearing.

5.1.2 The member designated as the daily Recorder shall document the sequence and results of each hearing on the daily agendas.

5.1.3 The Board Office shall maintain all daily voting records and agendas completed by the Panel Chairman and Recorder.

5.2 Designated staff will download the Boardroom recordings to a CD and then upload to the Board's designated drive for storage. This action shall be completed within 24

hours of the end of each business day.

## **207.6 Retention**

- 6.1 Audio recordings shall be stored in the agency shared drive for the time-frame specified in the Arizona State Library, Archives and Public Records Retention Schedule outlined for the Board of Executive Clemency.
- 6.2 Audio recordings in hearing types particular to Warrants of Execution will remain permanent records with the Arizona State Library, Archives and Public Records and not be subject to destruction.
- 6.3 The Executive Director or designee, known as the Custodian of Records, shall be responsible for following the retention schedule and for the proper disposal of the recordings.
- 6.4 Recorded minutes of all board hearings shall be available for public inspection three working days after the hearing. Executive sessions conducted during the course of a hearing are excluded from public access.
- 6.5 The Executive Director shall ensure that the Board's files are reviewed and scheduled for retention at least once a year.

## **IMPLEMENTATION**

This policy was adopted by the Arizona Board of Executive Clemency in accordance with law.