

**ARIZONA BOARD OF EXECUTIVE CLEMENCY
BOARD POLICY #104**

Policy Title: Open Meeting Law Adherence	Draft Date: January 10, 2014	Policy #104
	Effective Date: January 29, 2014	
	Previous/New: August 29, 2002 (400.02B)	Pages: 2

Purpose:

The purpose of this policy and procedure is to establish guidelines for conducting AZBOEC hearings and business meetings in accordance with Arizona's Open Meeting Law.

Policy:

The Arizona Board of Executive Clemency shall conduct Board hearings and business meetings in accordance with the Arizona Open Meeting Law.

Authority:

ARS §§ 38-431.01; 02; 03;04;05;06;07;08;09

Procedure:

- All Board hearings and business meetings shall be held in accordance with A.R.S. § 38-431 and subsequent subsections.
- All Board hearings and business meetings will be recorded or have written notes taken. All records of such hearings and meetings shall be available for public inspection. Executive sessions will be recorded but these sessions are confidential and not subject to public disclosure.
- At the start of any Board hearing schedule or business meeting the following information will be provided:
 1. The date, time and place of the meeting.
 2. The identification of the Board members present and the presiding panel chairperson.
 3. A general description of the matters to be considered.
- Additionally, the following information will be provided at each hearing:
 1. The name of any person providing testimony or information to the Board.
 2. A statement regarding any preserved written statement or material submitted to the board for consideration.
 3. The name of the board member who makes an initial motion, seconds or is supportive or dissenting of a motion. If a counter motion is offered the name of the board member who made the counter motion, seconded or was supportive or dissenting of the motion shall be declared.
 4. A statement of Findings, or determination, of the Board.

- A copy of the recording or the minutes of any hearing or meeting shall be made available for public review or purchase (in accordance with established copying fees) within five business days, excluding holidays, after a hearing.
- If, because of a technical difficulty or equipment malfunction, a recorded copy of any hearing is not available, a copy of the Findings Document and all other submitted written documents will still be made available for public review and purchase (after appropriate redactions are made). If such an event occurs, the Chairman of the Board shall provide a written statement describing the malfunction (if known). This statement shall be included on the Board's website, calendar section, and will be included as an attachment to any request for a recorded copy of a hearing.
- During any hearing or meeting of the Board, any person who fails to act in an orderly and respectful manner may be removed from the hearing room at the discretion of the Panel Chairman.
- The Board may conduct in-absentia hearings for inmates who are not physically present.
- Agendas of any business meeting or board hearing will be made available to the general public upon request and will be posted on the board's website within established time frames.
- An executive session of the Board could be requested by the Chairman or the panel chairperson on any day that the Board holds hearings; notice that such an executive session may be held will be added to all calendars or hearing schedules for public disclosure purposes.
- A quorum of the Board exists when three or more board members are present. Board members should refrain from discussing any matters of material interest related to an upcoming hearing or meeting when three or more members of the Board are present.

Implementation:

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