



NOTICE OF PUBLIC MEETING AND EXECUTIVE SESSION  
PINAL COUNTY TRANSPORTATION ADVISORY COMMITTEE  
SUMMARY OF AGENDA FOR COMMITTEE MEETING  
Tuesday, September 20, 2022

2:30 PM - CALL TO ORDER

PINAL COUNTY ADMINISTRATIVE COMPLEX  
IRONWOOD CONFERENCE ROOM  
135 N. PINAL STREET  
FLORENCE, AZ 85132

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BUSINESS BEFORE THE COMMITTEE

- (1) Roll call of the Transportation Advisory Committee, by the Clerk of the committee.

*Tara Harman, Committee Clerk*

- (2) Welcome and Introductions.

*Tara Harman, Committee Clerk*

- (3) Call to Public -

Consideration and discussion of comments from the public. Those wishing to address the Pinal County Transportation Advisory Committee need not request permission in advance. Action taken as a result of public comment will be limited to directing staff to study the matter or rescheduling the matter for further consideration and decision at a later date.

- (4) **Discussion/Approval/Disapproval of the Minutes from the February 22, 2022 Transportation Advisory Committee Regular Meeting.**

*Recommended Action: Motion to approve the minutes from February 22, 2022 as presented or as amended.*

*Tara Harman, Committee Clerk*

- (5) Review of Arizona's Open Meeting Law.

*(For information and discussion)*

*Tara Harman, Committee Clerk*

- (6) Review of the Goals and Priorities of the Transportation Advisory Committee.

*(For information and discussion)*

*Tara Harman, Committee Clerk*

- (7) County and Transportation Planning Staff provide updates on current events.

*(For information and discussion)*

*Tara Harman, Committee Clerk*

- (8) Announcement of next meeting date, November 29, 2022.

*(For information and discussion)*

*Tara Harman, Committee Clerk*

## ADJOURNMENT

### **(SUPPORTING DOCUMENTS ARE AVAILABLE AT THE PUBLIC WORKS DEPARTMENT)**

NOTE: One or more members of the Committee may participate in this meeting by telephonic conference call.

The Committee may go into Executive Session for the purpose of obtaining legal advice from the County's Attorney(s) on any of the above agenda items pursuant to A.R.S. 38-431.03(A)(3).

In accordance with the requirement of Title II of the Americans with Disabilities Act (ADA), the Pinal County Transportation Advisory Committee do not discriminate against qualified individuals with disabilities admission to public meetings. If you need accommodation for a meeting, please contact Tara Harman at (520)866-6928 or [Tara.Harman@pinal.gov](mailto:Tara.Harman@pinal.gov), at least (3) three business days prior to the meeting (not including weekends or holidays) so that your request may be accommodated.



AGENDA ITEM

September 20, 2022 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

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**REQUESTED BY:** Tara Harman, Committee Clerk

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

Roll call of the Transportation Advisory Committee, by the Clerk of the committee.

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**BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:**

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**BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:**

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**MOTION:**

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History	Who	Approval
Time		

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**ATTACHMENTS:**

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No Attachments Available



AGENDA ITEM

September 20, 2022 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

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**Funds #:**

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**Director:**

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

Welcome and Introductions.

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**BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:**

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**BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:**

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**MOTION:**

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AGENDA ITEM

September 20, 2022 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

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**REQUESTED BY:** Tara Harman, Committee Clerk

**Funds #:**

**Dept. #:**

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**Director:**

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

**Discussion/Approval/Disapproval of the Minutes from the February 22, 2022 Transportation Advisory Committee Regular Meeting.**

*Recommended Action: Motion to approve the minutes from February 22, 2022 as presented or as amended.*

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**BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:**

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**BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:**

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**MOTION:**

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History	Who	Approval
Time		

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**ATTACHMENTS:**

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☐ [Draft Minutes](#)

**PINAL COUNTY TRANSPORTATION ADVISORY COMMITTEE  
MINUTES**

**Tuesday, February 22, 2022**

**2:30 PM - Call To Order  
PINAL COUNTY ADMINISTRATIVE COMPLEX  
IRONWOOD CONFERENCE ROOM  
135 N. PINAL STREET  
FLORENCE, AZ 85132**

*The Pinal County Transportation Advisory Committee for February 22, 2022 was called to order by Chairman Garcia at 2:40 p.m.*

- (1) Roll Call of the Transportation Advisory Committee.

*Members Present: Chair Garcia, Member Johnson, Member Moody, Member Louis, Member Riggs, Member Bechman, Member Hawkins, Member Beal, Member Brown*

*Members Absent: Member Seidel*

- (2) Introductions of New Members:

District 2, Steve Johnson

District 4, Sharon Bechman

*New Members Johnson and Bechman were introduced to the Committee.*

- (3) Call to the Public-

Pursuant to Arizona's Open Meeting Law, members of the TAC may not discuss items that are not the agenda. Therefore, action(s) taken as a result of public comment(s) will be limited to directing staff to study the matter or scheduling the matter for further consideration and decision at a later date.

*No Public Comment*

- (4) Discussion/approval/disapproval of the Minutes from the November 23, 2021 Transportation Advisory Committee Regular Meeting.

*Member Moody made motion to approve the Minutes from the November 23, 2021 Transportation Advisory Committee Regular Meeting as presented. Member Riggs seconded the motion and it passed unanimously.*

- (5) Presentation/discussion of the Transportation Project Status Report of the 2021 Five-Year Transportation Improvement and Maintenance Program for Budget Years 2020-2021 through 2024- 2025.

*Celeste Garza, Assistant County Engineer, presented the Project Status Report of the 2021 Five- Year Transportation Improvement and Maintenance Program for Budget Years 2020-2021 through 2024-2025.*

- (6) Discussion/approval/disapproval of the Amendments for the 2022 Five-Year Transportation Improvement and Maintenance Program for Budget Years 2021-2022 through 2025-2026.

*Member Bechman made motion to approve the Amendments for the 2022 Five-Year Transportation Improvement and Maintenance Program for Budget Years 2021-2022 through 2025-2026 as presented. Member Moody seconded the motion and it passed unanimously.*

- (7) Discussion/recommendation of the Transportation Projects for consideration in the 2022 Transportation Improvement and Maintenance Program and Draft 2022 Five-Year Transportation Improvement and Maintenance Program for Budget Years 2021-2022 through 2025-2026.

*Member Brown made motion to recommend the Transportation Projects for consideration in the 2022 Transportation Improvement and Maintenance Program and Draft 2022 Five-Year Transportation Improvement and Maintenance Program for Budget Years 2021-2022 through 2025- 2026 to the Board of Supervisors for approval. Member Hawkins seconded the motion and it passed unanimously.*

- (8) Nomination and Election of Chair pursuant to the Pinal County Transportation Advisory Committee Bylaws (Article IV; Officers and Duties, Section 3).

*Member Garcia nominated Member Moody as Chair of the Transportation Advisory Committee and Member Hawkins seconded the nomination.*

*Member Louis made motion to approve Member Moody as Chair of the Transportation Advisory Committee. Member Brown seconded the motion and it passed unanimously.*

- (9) Nomination and Election of Vice-Chair pursuant to the Pinal County Transportation Advisory Committee Bylaws (Article IV; Officers and Duties, Section 3).

*Member Moody nominated Member Johnson as Vice-Chair of the Transportation Advisory Committee and Member Hawkins seconded the nomination.*

*Member Riggs made motion to approve Member Johnson as Vice-Chair of the Transportation Advisory Committee. Member Louis seconded the motion and it passed unanimously.*

- (10) Discussion/approval/disapproval of upcoming Transportation Advisory Committee Meetings at 2:30p.m. on Tuesday: September 20, 2022, November 29, 2022 and February 21, 2023.

*Member Bechman made motion to approve the upcoming meeting dates of September 20, 2022, November 29, 2022 and February 21, 2022, for The Transportation Advisory Committee Meetings. Member Moody seconded the motion and it passed unanimously.*

***ADJOURNMENT 3:07 p.m.***

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Chair, Pinal County Transportation Advisory Committee

ATTEST:

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Clerk, Pinal County Transportation Advisory Committee





AGENDA ITEM

September 20, 2022 ADMINISTRATION BUILDING A  
FLORENCE, ARIZONA

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**REQUESTED BY:** Tara Harman, Committee Clerk

**Funds #:**

**Dept. #:**

**Dept. Name:**

**Director:**

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

Review of Arizona's Open Meeting Law.

*(For information and discussion)*

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**BRIEF DESCRIPTION OF THE FISCAL CONSIDERATIONS AND/OR EXPECTED FISCAL IMPACT OF THIS AGENDA ITEM:**

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**BRIEF DESCRIPTION OF THE EXPECTED PERFORMANCE IMPACT OF THIS AGENDA ITEM:**

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**MOTION:**

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**ATTACHMENTS:**

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☐ [Open Meeting Law 101](#)

# **OPEN MEETING LAW 101**

## **Arizona's Open Meeting Law in a Nutshell**

Information compiled by:  
Liz Hill, Assistant Ombudsman – Public Access  
Last revised August 2010

### **Two core concepts**

“All meetings of any public body shall be public meetings and all persons so desiring shall be permitted to attend and listen to the deliberations and proceedings.” A.R.S. § 38-431.01(A).

“It is the public policy of this state that meetings of public bodies be conducted openly and that notices and agendas be provided for such meetings which contain such information as is reasonable necessary to inform the public of the matters to be discussed or decided.” A.R.S. § 38-431.09.

### **Why do we have an Open Meeting Law?**

1. To protect the public.
  - a. To avoid decision-making in secret.
  - b. To promote accountability by encouraging public officials to act responsively and responsibly.
2. To protect public officials.
  - a. To avoid being excluded (notice).
  - b. To prepare and avoid being blind sided (agenda).
  - c. To accurately memorialize what happened (minutes).
3. Maintain Integrity of government.
4. Better informed citizenry.
5. Build trust between government and citizenry.

### **What constitutes a meeting?**

A meeting is a gathering, in person or through technological devices of a quorum of a public body at which they discuss, propose or take legal action, including deliberations. A.R.S. § 38-431(4). This includes telephone and e-mail communications.

### **Who must comply with Open Meeting Law?**

Public bodies. "Public body" means the legislature, all boards and commissions of this state or political subdivisions, all multimember governing bodies of departments, agencies, institutions and instrumentalities of the state or political subdivisions, 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, the public body. A.R.S. § 38-431(6).

"Advisory committee" or "subcommittee" means any entity, however designated, that is officially established, on motion and order of a public body or by the presiding officer of the public body, and whose members have been appointed for the specific purpose of making a recommendation concerning a decision to be made or considered or a course of conduct to be taken or considered by the public body. A.R.S. § 38-431(1).

The Secretary of State, Clerk of the County Board of Supervisors, and City and Town Clerks must conspicuously post open meeting law materials prepared and approved by the Arizona Attorney General's Office on their website. A person elected or appointed to a public body shall review the open meeting law materials at least one day before the day that person takes office. A.R.S. § 38-431.01(G)

### **What is Required under the Open Meeting Law?**

#### ***1. Notice***

Public bodies must post a disclosure statement on their website or file a disclosure statement as provided for by statute. The disclosure statement states where the public body will post individual meeting notices. A.R.S. § 38-431.02(A)(1) through (4).

The open meeting law requires at least 24 hours notice of meetings to the members of the public body and the general public. A.R.S. § 38-431.02(C).

Notice must be posted on the public body's website, unless otherwise permitted by statute. Notice must also be posted at any other electronic or physical locations identified in the disclosure statement and by giving additional notice as is reasonable and practicable. A.R.S. § 38-431.02(A)(1) through (4).

#### ***2. Agenda***

Agendas must contain information reasonably necessary to inform the public of the matters to be discussed or decided. A.R.S. § 38-431.09.

Agendas must be available at least 24 hours before the meeting. A.R.S. § 38- 431.02(G).

#### ***3. Public's Rights***

The public has a right to:

- Attend
- Listen
- Tape record
- Videotape

Public has no right to:

- Speak
- Disrupt

#### ***4. Calls to the Public***

An open call to the public is an agenda item that allows the public to address the public body on topics of concern within the public body's jurisdiction, even though the topic is not specifically included on the agenda. Ariz. Att'y Gen. Op. I99-006.

Although the Open Meeting Law permits the public to attend public meetings, it does not require public participation in the public body's discussions and deliberations and does not require a public body to include an open call to the public on the agenda. *See* Ariz. Att'y Gen. Op. No. I78-001.

An individual public officer may respond to criticism, ask staff to review an item or ask that an item be placed on a future agenda, but he or she may *not* dialogue with the presenter or collectively discuss, consider, or decide an item that is not listed on the agenda. A.R.S. § 38-431.01(H); Ariz. Att'y Gen. Op. I99-006. Note that individual members of the public body may respond to criticism by individuals who addressed the public body during the call to the public, but the public body may not collectively discuss or take action on the complaint unless the matter is specifically listed on the agenda. A.R.S. § 38-431.01(H).

Public bodies may impose reasonable time, place, and manner restrictions on speakers. Restrictions must be narrowly tailored to affect a compelling state interest and may not be content based. Ariz. Att'y Gen. Op. I99-006.

A member of the public body may not knowingly direct a staff member to communicate in violation of the Open Meeting Law. A.R.S. 38-431.01(I).

*In sum:*

- *Calls to the public are permitted, but not required.*
- *Should be added as an agenda item.*
- *Public body may limit speaker's time.*
- *Public body may require speakers on the same side with no new comments to select spokesperson*
- *Public body may set ground rules:*
  - *civility*
  - *language*
  - *treat everyone the same*

#### ***5. Executive Sessions***

Public bodies may hold private executive sessions under a few limited circumstances. In executive sessions, the public is not allowed to attend or listen to the discussions, and the public body is not permitted to take final action. A.R.S. § 38-431.03(D).

Members of the public body may not vote or take a poll in executive sessions. A.R.S. § 38-431.03(D).

There are seven authorized topics for executive sessions:

1. Personnel (must provide 24 hours written notice to employee).
2. Discussion or consideration of records exempt by law from public inspection.
3. Legal advice – with public body's own lawyer(s).
4. Discussion or consultation with public body's lawyer(s) to consider pending or contemplated litigation, settlement discussions, negotiated contracts.
5. Discuss and instruct its representative regarding labor negotiations.
6. Discuss international, interstate, and tribal negotiations.
7. Discuss the purchase, sale, or lease of real property.

Notice and Agenda: Agendas for executive sessions may describe the matters to be discussed more generally than agendas for public meetings in order to preserve confidentiality or to prevent compromising the attorney-client privilege. A.R.S. § 38-431.02(I). Nonetheless, the agenda must provide more than a recital of the statute that authorizes the executive session.

**6. Minutes** (A.R.S. §§ 38-431.01(B), (C), (D) and -431.03(B))

Public bodies must take meeting minutes of all meetings, including executive sessions.

May be recorded or written, keeping in mind that permanent records must be on paper.

Public session meeting minutes must include:

- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered; and
- An accurate description of all legal actions proposed, discussed or taken, and the names of members who propose each motion. The minutes shall also include the names of the persons, as given, making statements or presenting material to the public body and a reference to the legal action about which they made statements or presented material.

Executive session minutes must include:

- Date, time and place of meeting;
- Names of members of the public body present or absent;
- A general description of matters considered;
- An accurate description of all instructions given; and
- Such other matters as may be deemed appropriate by the public body.

The minutes or a recording of the public session must be open for public inspection no later than three working days after the meeting, except as otherwise provided in the statute. A.R.S. § 38-431.01(D).

Cities and towns with a population of more than 2,500 persons must post approved city and town council minutes on its website within two working days following approval. A.R.S. § 38-431.01(E)(2).

Minutes of executive sessions must be kept confidential except from certain individuals. A.R.S. § 38-431.03(B).

How long meeting minutes are maintained is determined by the public body's record retention and destruction schedule authorized by Arizona State Library and Archives.

Persons in attendance may record any portion of a public meeting, as long as the recording does not actively interfere with the meeting. Acceptable recording equipment includes tape recorders, cameras, or other means of reproduction. A.R.S. § 38-431.01(F).

## ***7. Where to turn for help***

### Self-help resources available:

The Arizona Ombudsman – Citizens' Aide handbook – The Arizona Open Meeting Law (available on line at [www.azoca.gov](http://www.azoca.gov) under open meetings/publication)

The Arizona Ombudsman's website, [www.azoca.gov](http://www.azoca.gov)

Arizona Agency Handbook, Chapter 7, [www.azag.gov](http://www.azag.gov) – Quick Links

Attorney General Opinions – [www.azag.gov](http://www.azag.gov) – Quick Links

### Questions/File a complaint:

Arizona Ombudsman-Citizen's Aide (602) 277-7292

### File a complaint/Enforcement authority

Attorney General's Open Meeting Law Enforcement Team (602) 542-5025

County Attorney's Office



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**Dept. Name:**

**Director:**

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

Review of the Goals and Priorities of the Transportation Advisory Committee.

*(For information and discussion)*

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County and Transportation Planning Staff provide updates on current events.

*(For information and discussion)*

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**BRIEF DESCRIPTION OF AGENDA ITEM AND REQUESTED BOARD ACTION:**

Announcement of next meeting date, November 29, 2022.

*(For information and discussion)*

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