

League of Women Voters of Greater Tucson Observer Corps

First Report: Transparency Check, September 2016

Preface

The League of Women Voters of Greater Tucson’s Observer Corps’ first report focuses on transparency, and asks: “How easy is it for constituents to obtain basic information about the governing bodies under observation and the decisions they are making that affect constituents?”

During the first observation period, April 2016 through August 2016, some League observers continued observations that had begun previously, and newly assigned League observers began getting acquainted with the governing bodies to which they were assigned. They attended, watched online, and read minutes from selected meetings of the following governing bodies: Pima County Board of Supervisors, Tucson Mayor and Council, Oro Valley Mayor and Council, Amphitheater School District Governing Board, Tucson Unified School District Governing Board, Holladay Magnet Site Council, and University High School Site Council. Observers gathered information and answered some basic questions relating to the transparency of the governing bodies observed.

In this report, the introduction provides an orientation to transparency, its importance to the League of Women Voters, and some basic information on Arizona Open Meeting Law. The transparency reports for the governing bodies observed are provided in the spreadsheets that follow the introduction to the report. Background information on some of the laws governing school site councils and the results of an informal survey of web postings on Site Councils in four local school districts follow the transparency reports on governing bodies observed.

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Introduction: Transparency and Arizona Open Meeting Law

What do we mean by “transparency”? If a public institution is properly “transparent,” its representatives (including both elected officials and the administrative employees in the public institutions which elected officials govern) are conveying information that allows citizens to understand decisions the government will be making that will affect their lives. Where transparency is in good working order, the first pre-condition is in place for a central goal of democratic government to be achieved: giving citizens appropriate opportunities to provide feedback and input into the decisions that will affect their lives. You can’t influence a decision if you don’t know it will be made.

In Arizona, the laws governing the meetings of public governing bodies are in place to support transparency being achieved. Some of the basic requirements of the Arizona Open Meeting Law, ARS 38-431 et seq., are:

1. That agendas and supporting materials be available to the public at least 24 hours before a meeting takes place.
2. That the meeting not cover items not on the agenda.
3. That drafts of minutes or a “legal action report” or a recording of the meeting be available to the public within three working days after the meeting takes place.

These laws are intended to ensure that decisions affecting citizens’ lives will not be made by our government without citizens’ knowledge.

The authors of the League of Women Voters’ handbook on Observer Corps programs, Observing Your Government in Action: Protecting Your Right to Know, explain the importance of transparency to the League: *“Protecting our right to know is integral to the health of our democracy. Decisions that determine how our schools will be run, at what level community safety programs will be funded, and how land in our towns will be used impact our lives and are vital to our well-being. These kinds of decisions need to be made with public input and oversight. One important way to ensure that is to observe government meetings. The League has been a champion of government transparency since our founding in 1920. It is one of our core principles and a vital part of our mission. Our efforts in this area reinforce our reputation of fairness, nonpartisanship and trust. League members attend governmental meetings to learn what their government is doing and to monitor whether those meetings are conducted in an open and transparent way. Experience has shown the importance of the League being present to watch—and to take action when necessary.”* http://lwv.org/files/LWVEF_ObservingYourGovernment.pdf

For further information on the laws relating to government transparency in Arizona:

- The statutes pertaining to how governance meetings in public institutions must be conducted are referred to as the Arizona Open Meeting Law, ARS 38-431 et seq. These statutes can be accessed from this page of the Arizona State Legislature’s website: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=38>
- The Arizona Ombudsman provides a briefing on Open Meeting Law here: <http://www.azoca.gov/wp-content/uploads/Open-Meeting-Law-Bookletprintable3-2015.pdf>
- The Arizona Attorney General’s Office provides this information on Open Meeting Law in Chapter 7 of the Arizona Agency Handbook: <https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch07-2013.pdf>

Information on the History and Legislative Intent of Arizona's Open Meeting Law

From Chapter 7 in the Arizona Agency Handbook, Published by the AZ Attorney General's Office

7.2 Arizona's Open Meeting Law.

7.2.1 History of Arizona's Open Meeting Law. All fifty states have enacted some type of legislation providing the public with a statutory right to openness in government. In addition, in 1976 the United States Congress enacted the Federal Open Meeting Act, 5 U.S.C. § 552b. Arizona enacted its Open Meeting Law in 1962 and has since amended it several times. For a detailed discussion of the early history of the Open Meeting Law through 1975, see Ariz. Att'y Gen. Op. 75-7.

7.2.2 Legislative Intent. The Legislature has repeatedly expressed its intent that the Open Meeting Law be construed to maximize public access to the governmental process. In first enacting the Open Meeting Law in 1962, the Legislature declared that: "It is the public policy of this state that proceedings in meetings of governing bodies of the state and political subdivisions thereof exist to aid in the conduct of the people's business. It is the intent of this act that their official deliberations and proceedings be conducted openly."

In 1978, after a series of court opinions narrowly construing the Open Meeting Law, the Legislature reiterated its policy by adding A.R.S. § 38-431.09(A). That statute now provides:

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 reasonably necessary to inform the public of the matters to be discussed or decided.

Toward this end, any person or entity charged with the interpretation of this article shall construe any provision of this article in favor of open and public meetings.

A.R.S. § 38-431.09(A). In keeping with this expressed intent, any uncertainty under the Open Meeting Law should be resolved in favor of openness in government. Any question whether the Open Meeting Law applies to a certain public body likewise should be resolved in favor of applying the law.

LWVGT OBSERVER CORPS First Report: Transparency Check - County and City Boards / Councils	Pima County Board of Supervisors
Based on Observations conducted April 2016 - August 2016.	
Potential topics for advocacy in support of increased transparency are highlighted in yellow.	
Names of observers who attended or watched meetings during this period:	Wendy Gamble, Elizabeth Whitthorne
Is there a website?	Yes: http://webcms.pima.gov/government/board_of_supervisors
**Does the website have info on Open Meeting Law (OML)	Yes: http://webcms.pima.gov/cms/one.aspx?portalId=169&pageId=10620
....and does it state that the governing body is subject to OML?	No explicit statement of this is prominent on the Board of Supervisors Clerk's page: http://webcms.pima.gov/cms/One.aspx?portalId=169&pageId=555 On the Clerk's page, the topic "Open Meeting Law Materials" is not listed under the heading "Board of Supervisors." It is listed under a separate heading, "Boards, Commissions, and Committees,"(BCCs) which would seem to imply that Open Meeting Law is relevant to BCCs but not to the Board of Supervisors. If you click on the link "Open Meeting Law Materials," it takes you to a page where three documents are linked: Open Meeting Law 101 (Publication of the Arizona Ombudsman), Arizona Agency Handbook, Chapter 7 (Open Meetings) and Chapter 8 (Conflict of Interest)
....if there is information on OML, is the information foregrounded / easy to find?	It is not too hard to find, but how it is posted obscures the actual extent of its applicability (see above notes).
...has the Attorney General's office found the governing body in violation of OML?	No
**Does the website have a meeting schedule?	Yes: http://www.webcms.pima.gov/cms/one.aspx?portalId=169&pageId=1171
**If no schedule, how far in advance is notice given and where is it given?	N/A
**List of current members w/ constituency?	Yes: http://webcms.pima.gov/government/board_of_supervisors
**Contact info for members?	Phone numbers given for all supervisors on Board of Supervisors main page; fax numbers and e-mail addresses given on some supervisors' pages.
**Terms of office for members prominently listed?	No
**Party affiliation for members prominently listed?	No
**Agendas posted at least 24 hours before meeting?	Spot checked - no problems observed.
**Drafts of minutes posted within 3 working days of meeting?	No
**If minutes are not being posted, what alternative transparency means is provided?	As of 8/28/2016, the most recent Board minutes available on the county's website were from the 5/17/2016 meeting. "Meeting details" and "summaries" are posted on this page: https://pima.legistar.com/Calendar.aspx Videos of meetings can be live streamed while they are occurring through Cox channel 96, Comcast channel 96, or through this web page: http://pima.granicus.com/ViewPublisher.php?view_id=3 For 90 days after a meeting, a video can be viewed through a link on the website: http://pima.granicus.com/ViewPublisher.php?view_id=7 Between 90 days and 1 year after a meeting has occurred, DVD recordings of the meeting can be obtained from Pima County libraries or from the Board of Supervisor's administrative office.
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	There is no archive of minutes that lists all minutes available through the website. There is a search page where you can choose search parameters to search for minutes that have been uploaded. The website video archive covers only the past 90 days. Once 90 days has passed, video recordings of meetings are transferred to DVDs which can be borrowed from the Joel D. Valdez library or from the Board of Supervisors' Clerk's office. DVDs can also be purchased for \$5 each through the clerk's office. Once a year from the date of the meeting has passed, recordings of the meeting are destroyed.
If there is a video or audio archive of past meetings, is it easy to find?	The website video archive is hard to find.
Additional omments or questions	It is not clear why after three months have passed from the date of the meetings, recordings of the meetings need to be moved from the website to DVDs. It is not clear why the recordings of the meetings are being destroyed after a year from the date of the meeting has passed.

LWVGT OBSERVER CORPS First Report: Transparency Check - County and City Boards / Councils	Tucson Mayor & Council
Based on Observations conducted April 2016 - August 2016.	
Potential topics for advocacy in support of increased transparency are highlighted in yellow.	
Names of observers who attended or watched meetings during this period:	Elizabeth Whitthorne
Is there a website?	Yes: https://www.tucsonaz.gov/city-government
**Does the website have info on Open Meeting Law (OML)	Yes: https://www.azag.gov/sites/default/files/sites/all/docs/agency-handbook/ch07-2013.pdf
....and does it state that the governing body is subject to OML?	No explicit statement of this is prominent on the Mayor & Council Clerk's page: https://www.tucsonaz.gov/clerks On the Clerk's page, the topic "Open Meeting Law" is listed towards the bottom of the page under the heading "Posting of Public Notices." When you click on the link, it takes you to the Arizona Agency Handbook, Chapter 7, but there is no information on what the title of the publication the chapter occurs in is and no explanation of how the material is relevant to Tucson Mayor and Council.
....if there is information on OML, is the information foregrounded / easy to find?	The information is not too hard to find, but how it is posted does not make it immediately clear what its relevance is.
....has the Attorney General's office found the governing body in violation of OML?	No
**Does the website have a meeting schedule?	Yes: https://www.tucsonaz.gov/files/agdocs/agendacommittee/2016_MC_Schedule1.pdf
**If no schedule, how far in advance is notice given and where is it given?	N/A
**List of current members w/ constituency?	Yes: https://www.tucsonaz.gov/city-government
**Contact info for members?	Yes: bottom left corner of each council member's web page
**Terms of office for members prominently listed?	Yes: bottom left corner of each council member's web page
**Party affiliation for members prominently listed?	Yes: bottom left corner of each council member's web page
**Agendas posted at least 24 hours before meeting?	Spot checked - no problems observed.
**Drafts of minutes posted within 3 working days of meeting?	No
**If minutes are not being posted, what alternative transparency means is provided?	As of 8/28/2016, the most recent approved minutes available on the City Clerk's portion of the website were from the 12/15/2015 meeting. There were Public Housing Authority approved minutes available from April and May of 2016, but no Mayor & Council minutes from 2016. Agendas and action summaries of past meetings are available here: https://www.tucsonaz.gov/clerks/mcdocs Audio archive of meetings: https://www.tucsonaz.gov/gov/mayor-and-council-meetings-audio-archive Video archive of meetings: https://www.tucsonaz.gov/tv12/mayor-and-council
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	What minutes are available are accessible through this web page: https://www.tucsonaz.gov/clerks/mayor-council-meeting-document-archive There are audio and video archives covering several years. See links provided above.
If there is a video or audio archive of past meetings, is it easy to find?	Not too hard to find -- accessible through city clerk's web page.
Additional comments or questions	None.

LWVGT OBSERVER CORPS First Report: Transparency Check - County and City Boards / Councils	Oro Valley Mayor & Council
Based on Observations conducted April 2016 - August 2016.	
Potential topics for advocacy in support of increased transparency are highlighted in yellow.	
Names of observers who attended or watched meetings during this period:	Paul Baker
Is there a website?	Yes: https://www.orovalleyaz.gov/town/mayor-and-council
**Does the website have info on Open Meeting Law (OML)	No explanatory materials provided: https://www.orovalleyaz.gov/town/departments/town-clerk/meetings-and-agendas On the Clerk's page there is no use of the term "open meeting law," but ARS 38-431.02 is referenced, with no explanation of what ARS 38-431 is. If Chapter 7 of the Arizona Agency Handbook is posted anywhere on the Oro Valley Mayor & Council website, we have been unable to find it.
....and does it state that the governing body is subject to OML?	There is no clear statement that Oro Valley is subject to Open Meeting Law. If, from the Town Clerk's main page, you go to the page entitled "Meetings and Agendas," it states that "Pursuant to ARS 38-431.02" hard copies of meeting notices for various groups and sub-groups of Oro Valley government will be posted in certain physical locations. https://www.orovalleyaz.gov/town/departments/town-clerk/meetings-and-agendas
....if there is information on OML, is the information foregrounded / easy to find?	No
...has the Attorney General's office found the governing body in violation of OML?	No
**Does the website have a meeting schedule?	Yes: https://www.orovalleyaz.gov/town/departments/town-clerk/meetings-and-agendas
**If no schedule, how far in advance is notice given and where is it given?	N/A
**List of current members w/ constituency?	Yes (There is no ward constituency -- all are elected at large.)
**Contact info for members?	Yes - on right side of each council member's page, under their photograph.
**Terms of office for members prominently listed?	Yes - on right side of each council member's page, under their photograph.
**Party affiliation for members prominently listed?	No
**Agendas posted at least 24 hours before meeting?	Spot checked - no problems observed.
**Drafts of minutes posted within 3 working days of meeting?	From this page, https://www.orovalleyaz.gov/town/departments/town-clerk/meetings-and-agendas , clicking on the triangle next to the name and date of the type of meeting produces a list of the agenda packets, minutes, and videos available. Minute production is fairly but not completely up to date, e.g. on 8/28/2016, minutes for 7/6/2016 meeting not yet posted online.
**If minutes are not being posted, what alternative transparency means is provided?	An archive of minutes, audios and videos of meetings are available online. See above instructions for accessing links. https://www.orovalleyaz.gov/town/departments/town-clerk/meetings-and-agendas
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	Yes.
If there is a video or audio archive of past meetings, is it easy to find?	Yes.
Additional comments or questions	None.

LWVGT OBSERVER CORPS First Quarterly Report: Transparency Check - School Boards and Site Councils	Amphitheater School District Board
Based on Observations conducted April '16 - August '16	
Potential topics for constituent advocacy in support of increased transparency are highlighted in yellow.	
Names of observers who attended or watched meetings:	Janice Murphy
Is there a website?	Yes: http://www.amphi.com/Page/7547
	Can be opened easily from some computers; others display a message indicating that a secure connection with www.amphi.com cannot be established.
**Does the website have info on Open Meeting Law (OML)	At the bottom of the web page on Governing Board Meetings, there is this statement: "Board meetings shall be open to the public and to the media except for Executive Sessions, which are closed to the public or media." There is no statement referring to Open Meeting Law, providing materials on OML, or noting that the meetings being open to the public is a legal requirement rather than a policy decision of Amphi. In the Board's policy manual, the section on "School Board Meetings," refers to ARS 38-431.02 and "38-431 et seq." and provides links which take you to portions of the relevant statutes.
.....and does it state that the governing body is subject to OML?	No explicit statement of this is prominent either on the Amphi Governing Board web pages or in the relevant sections of the policy manual. In the policy manual, some of the relevant statutes are linked, but not others. The way the information is provided seems unlikely to meet the needs of laypeople not familiar with public institutions and the rights guaranteed to them by Arizona law.
.....if there is information on OML, is the information foregrounded / easy to find?	No -- see above.
....has the Attorney General's office found the governing body in violation of OML?	No.
**Does the website have a meeting schedule?	Yes: http://www.amphi.com/Page/8502
**If no schedule, how far in advance is notice given and where is it given?	N/A
**List of current members?	Yes: http://www.amphi.com/Page/8494
**Contact info for members?	E-mail addresses are provided on the above-linked page.
**Terms of office for members?	The way the terms rotate is explained in general terms on this web page: http://www.amphi.com/Page/8500 The website does not seem to provide an easy way to determine when each Board member was elected and when they are up for re-election.
**Agendas posted at least 24 hours before meeting?	Yes, a notice, agenda, agenda packet: http://www.amphi.com/Page/8496
**Drafts of minutes posted within 3 working days of meeting?	No.
**If minutes are not being posted, what alternative transparency means is provided?	The administrative employee of the Board reports that constituents can come to the Amphi Governing Board office and obtain a zip drive with recordings of previous meetings. No recordings of previous meetings are posted on the website. This differs significantly from the practices of most of the other governing bodies observed. Other bodies, where they are behind on the production of minutes, provide an alternative way for constituents to view or listen to meetings through their websites, and they post these within the 3-day time limit required by law.
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	As of 8/28/2016, the Board was several months behind on its production and approval of minutes. Some minutes are available through this web page: http://www.amphi.com/Page/10905 For many meetings, the website posting says, "forthcoming."
If there is a video or audio archive of past meetings, is it easy to find?	N/A - no video or audio recordings of meetings are available through the website. You must drive to the governing board office to pick up a zip drive if you wish to listen to past meetings.
Additional comments or questions	The process through which an alternative means to transparency is being provided when minutes are not posted within the time frame required by law seems to put unnecessary obstacles in the way of public access to recordings of meetings. It is unclear why recordings cannot be posted on the website. It is also unclear why website access seems to work from some computers but not from others.

LWVGT OBSERVER CORPS First Quarterly Report: Transparency Check - School Boards and Site Councils	Tucson Unified School District Board (TUSD)
Based on Observations conducted April '16 - August '16	
Potential topics for constituent advocacy in support of increased transparency are highlighted in yellow.	
Names of observers who attended or watched meetings:	Sue DeArmond
Is there a website?	Yes: http://www.tusd1.org/contents/govboard/govboard.html
**Does the website have info on Open Meeting Law (OML)	If you enter "Open Meeting Law" in the search box you pull up various links to explanatory materials, e.g. http://www.tusd1.org/sdm/documents/openmeetingreq.pdf
	It is unclear how people visiting the website without previous knowledge of Open Meeting Law or the rights it should guarantee them would know to look for these materials.
.....and does it state that the governing body is subject to OML?	Explanatory materials are available if you know to search for them. No explicit statement that the TUSD governing board is subject to Open Meeting Law seems to be posted on any of the governing board web pages which constituents might visit if they developed an interest in the operations of the governing board (home page, meeting schedule, etc.)
.....if there is information on OML, is the information foregrounded / easy to find?	No -- see above.
....has the Attorney General's office found the governing body in violation of OML?	Yes - an Attorney General decision given August 2016 found that a violation occurred in November 2015.
**Does the website have a meeting schedule?	Yes: http://www.tusd1.org/contents/govboard/gbschedule.html
**If no schedule, how far in advance is notice given and where is it given?	N/A
**List of current members?	Yes: http://www.tusd1.org/contents/govboard/govboard.html
**Contact info for members?	Yes: e-mail addresses for all Board members are given on the web page linked above.
**Terms of office for members?	Yes: http://www.tusd1.org/contents/govboard/govboard.html
**Agendas posted at least 24 hours before meeting?	Spot checked - no problems observed.
**Drafts of minutes posted within 3 working days of meeting?	No.
**If minutes are not being posted, what alternative transparency means is provided?	Videos can be livestreamed while they are occurring from this web page: http://www.tusd1.org/contents/govboard/gbvideo.html An audio archive of past meetings is available here: http://www.tusd1.org/contents/govboard/gbmeetings.html A video archive of past meetings is available here: http://www.tusd1.org/contents/govboard/gbvideo_archive.html A video archive of past meetings is usually available, though: *one important meeting, the January 5, 2016 meeting where the current Board President and Clerk were re-appointed to their leadership roles, was not listed at all in the video archive. It could only be found in the audio archive. (In the Star article referencing this meeting, it was noted, "In the 60-plus year history of the board operating with five members, there ha[ve] never been two people holding the same seats for more than two years in a row.") When the League inquired about the absent video recording, a representative of the district said the meeting had been "too short" to merit video recording. *when we checked on the evening of August 28, videos of meetings after July 8, 2014 had been removed from the website with a note saying it was "due to a technical issue" and they would be "restoring these videos during the week of August 29." The videos removed included ones to which current Board candidates Sedgwick and Stegeman had been referring voters, giving time marks to certain passages in the videos which they recommended constituents watch. When the videos were re-loaded on the website, they included long passages of video recording before the meetings actually began, which had the effect of dislocating the discussions to which Sedgwick and Stegeman had referred voters from the time marks where they had originally been located. For example Sedgwick referred voters to a call to the audience that had occurred at minute 00:51 to 1:16 in the 7/12/16 board meeting. After the reloading, the call to the audience in that tape began at approximately 1:12. Stegeman had referred constituents to a passage in the 11/10/15 video where the Attorney General had ruled a violation of Open Meeting Law occurred. He said the discussion occurred at 4:04 to 4:06. After the videos were reloaded, it occurred at 4:27 to 4:29. The alterations made to the video archive -- whether they were intentional or unintentional -- made it considerably harder for voters to find passages in the archive candidates were suggesting they examine in assessing the records in office of some of the candidates running for re-election.
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	Yes, it usually does. See above for links.
If there is a video or audio archive of past meetings, is it easy to find?	Yes.
Additional comments or questions	League observers were not asked to answer questions about practices used in the Call to the Audience during this observation period, but it was noted during observations of this governing board that controversies arose in meetings about whether those speaking in the Call to the Audience should be required to give the Board their residence address before being allowed to speak in the Call. This is not required by OML, but it is required by TUSD policy. The Observer Corps Chair recommends that practices in Call to the Audience be studied and compared in the next reporting period.

LWVGT OBSERVER CORPS First Quarterly Report: Transparency Check - School Boards and Site Councils	TUSD: Holladay Magnet Site Council	TUSD: University High School Site Council
Based on Observations conducted April '16 - August '16		
Potential topics for constituent advocacy in support of increased transparency are highlighted in yellow.		
Names of observers who attended or watched meetings:	Dorothy Riley	Kathleen Martin, Silke Hoffman, Elizabeth Whitthorne
Is there a website?	No - throughout the observation period, there was a Site Council web page, but all it said was "Coming soon!"	Yes: http://uhssitecouncil.weebly.com
**Does the website have info on Open Meeting Law (OML)	N/A - no info posted on web.	On the "About Us" page, a live link is provided to an Open Meeting Law 101 doc: http://uhssitecouncil.weebly.com/uploads/2/0/9/8/20985186/open_meeting_law_101.pdf A dead link is provided to the Ombudsman's booklet on Open Meeting Law: http://www.azoca.gov/wp-content/uploads/Open-Meeting-Law-Bookletprintable3-2015.pdf
.....and does it state that the governing body is subject to OML?	N/A - no info posted on web.	On the Site Council home page, there is a link to "more information" that takes you to the "About Us" page. On its "About Us" page, the Site Council provides links to materials on Open Meeting Law and says that non-members are "welcome to listen in on meetings" and that "The UHS Site Council will follow the Arizona Open Meeting Law rules." It then provides OML docs together with other docs, including the Site Council's bylaws, short term and long term goals, constitution, and meeting norms / Roberts Rule cheat sheet. It would be helpful if the "About Us" page could make clear that OML materials differ from the other materials provided in that they are laws that must be followed. The way the page is framed, foregrounding the Council's constitution's statements of its purpose and goals, seems to obscure the fact that it is Arizona law, not the framers of the UHS Site Council constitution, that determines how the Council must operate.
....if there is information on OML, is the information foregrounded / easy to find?	N/A - no info posted on web.	Fairly easy: http://uhssitecouncil.weebly.com/about-us.html
....has the Attorney General's office found the governing body in violation of OML?	No.	No.
**Does the website have a meeting schedule?	N/A - no info posted on web.	Yes: http://uhssitecouncil.weebly.com/meeting-schedule.html
**If no schedule, how far in advance is notice given and where is it given?	Our observer got the information by calling the office and by hearing the next meeting date reported in the meetings she attended. At the time that she initiated contact with the school, the council was not meeting regularly and no "next meeting time" was available. After the school learned of her interest in observing, they started scheduling regular meetings.	N/A
**List of current members?	N/A - no info posted on web.	Yes: http://uhssitecouncil.weebly.com/members.html
**Contact info for members?	N/A - no info posted on web.	No
**Terms of office for members?	N/A - no info posted on web.	No
**Agendas posted at least 24 hours before meeting?	N/A - no info posted on web.	Spot checked - no problems observed.
**Drafts of minutes posted within 3 working days of meeting?	N/A - no info posted on web.	Spot checked - no problems observed.
**If minutes are not being posted, what alternative transparency means is provided?	N/A - no info posted on web.	N/A
Does the website have an archive of minutes, or of video or audio recordings covering at least one full year?	N/A - no info posted on web.	Yes: the document archive is admirably complete and various years are accessible by clicking "Document Library" on the home page. See, for example, 2016-2017: http://uhssitecouncil.weebly.com/2016-2017.html
If there is a video or audio archive of past meetings, is it easy to find?	N/A	N/A
Additional comments or questions	It is unclear how constituents in this school are being provided with information about how school governance takes place or how they can participate, if they desire to do so.	ARS 15-351 states that the purpose of the establishment of school site councils is "to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process." The following alterations to practices observed on this Site Council could improve the degree to which the Council is able to fulfill its purpose as stipulated by Arizona law: 1. Providing contact information for Council members on the Council website would make it easier for constituents affected by school policy changes to contact one of their representatives, express concerns, and ask questions. 2. Though the Site Council website states that "With equal representation from all invested bodies-students, faculty, parents, administration, and community members-we institute effective policy," the current membership list (http://uhssitecouncil.weebly.com/members.html) seems to indicate that the Council now has 8 students, 8 faculty, 8 parents, 2 administrators, 1 member of classified staff, and 1 community member. Given the degree to which current parents and students may not feel comfortable expressing opinions different from the opinions of faculty assigning grades and writing college recommendations and the fact that there have been concerns about recent policy decisions made by the Council (e.g. adding AP requirements), the Council's effectiveness as a responsive governing body able to hear and consider legitimate concerns might be improved if judiciously chosen "community member" representatives or representatives of the counseling department were added to the Council's membership. 3. In that some of the decisions made by this council affect students in the district more broadly, influencing, for example, secondary options for students in TUSD's elementary and middle school gifted programs that have, in the past, fed students into University High School, it is unclear that UHS Site Council, rather than TUSD Governing Board, provides a suitably broad forum for decision making about significant changes made to the school's curricular requirements. In any case, a better process for notification of constituencies potentially affected by the outcome of decisions made about this school's curriculum and some process for receiving constituent feedback on proposed changes before they become part of school policy would be advisable.

League of Women Voters of Greater Tucson Observer Corps

Informal Survey of Selected Arizona Laws Relating to School Site Councils and Undesignated Tax Credit Funds and Their Implementation in Selected Local School Districts and Schools

This informal report assumes a basic understanding of Arizona Open Meeting Law, ARS 38-431 et seq., accessible from this web page on the Arizona State Legislature website: <http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=38>

Below are:

- excerpts from the laws governing site councils and their role in allocating undesignated tax credit funds in public district schools
- the results of the informal web survey and phone survey the League's Observer Corps conducted in May of 2016 and September of 2016 to try to get a sense of how some of our local districts and schools are complying with these laws.

The highlighted portions of the law excerpted below on tax credits were added before the 2015-2016 school year. When public school tax credits were first introduced, they were designated to fine arts, extracurriculars and character education programs and their role was in part to compensate for funding cuts to non-academic programs. Now they can be used to pay for standardized test fees as well.

None of the four districts surveyed (TUSD, Amphitheater, Tanque Verde, and Catalina Foothills) had uniform, reliable web postings of meeting schedules, agendas and minutes for site councils at every school site in the district. It is unclear how many school sites in each district do not currently have functioning site councils. The Corps ran into a few instances of it as the informal survey was conducted, but did not proceed to conduct an exhaustive study of the subject. What we can say with some certainty is that not every family utilizing a public district school has an equal degree of representation on – or easily accessible communication from -- a public governing body that “ensures that individuals who are affected by the outcome of a decision at the school site share in the decision making process,” the supposed purpose of the establishment of Site Councils according to ARS 15-351.

15-351. School councils; duties; membership

A. The purpose of this section is to ensure that individuals who are affected by the outcome of a decision at the school site share in the decision making process.

B. Each school shall establish a school council. A governing board may delegate to a school council the responsibility to develop a curriculum and may delegate any additional powers that are reasonably necessary to accomplish decentralization. The school council shall take into consideration the ethnic composition of the local community and, except as provided in section 15-352, shall consist of the following members:

1. Parents or guardians of pupils enrolled in the school. A parent or guardian who is employed by the school district may serve as a member of the school council if the parent or guardian is not employed at the same school where the parent or guardian's child is enrolled.
2. Teachers.

3. Noncertified employees.
4. Community members.
5. Pupils, if the school is a high school.
6. The principal of the school.

C. Each group specified in subsection B of this section shall select its school council appointees and shall submit the names of its respective representatives to the principal. The initial representatives shall be selected at public meetings held at the school site, and, thereafter, representatives shall be selected by their groups in the manner determined by the school council. Schools shall give notice of the public meeting where the initial representatives of the groups shall be selected, clearly stating its purpose, time and place. The notice shall be posted in at least three different locations at the school site and in the community and shall be given to pupils for delivery to their parents or guardians.

D. The governing board shall determine the initial number of school council members. Thereafter, the school council shall determine the number. The number of teachers and parents or guardians of pupils enrolled at the school shall be equal. Teachers and parents or guardians of pupils enrolled at the school shall constitute a majority of the school council members.

E. The school council shall adopt written guidelines that specify the number of school council members and the methods for the selection of school council members.

F. The principal shall serve as chairman of the school council unless another person is elected by a majority of the school council members.

43-1089.01. Tax credit; public school fees and contributions; definitions

A. A credit is allowed against the taxes imposed by this title for the amount of any fees or cash contributions by a taxpayer or on the taxpayer's behalf pursuant to section 43-401, subsection G during the taxable year to a public school located in this state for the support of standardized testing fees for college credit or readiness offered by a widely recognized and accepted educational testing organization, the career and technical education industry certification assessment, preparation courses and materials for standardized testing, extracurricular activities or character education programs of the public school,

E. The site council of the public school that receives contributions that are not designated for a specific purpose shall determine how the contributions are used at the school site. If a **charter school** does not have a site council, the principal, director or chief administrator of the **charter school** shall determine how the contributions that are not designated for a specific purpose are used at the school site.

Tucson Unified School District (1)

In the district handbook linked below, there is a table reporting tax credit revenues received by various schools in this district for 2011, 2012, 2013, 2014:

<http://www.tusd1.org/sdm/documents/handbook.pdf>

The amounts received by different schools vary widely. The highest total reported in 2014 was at Rincon / University High School (\$271,680.23). During the same year, according to the district handbook, a number of school sites in the district posted tax credit revenues of under \$10K.

The League of Women Voters of Greater Tucson has observers posted on two site councils in this district (Rincon / University High School and Holladay Magnet). A web sampling of site council postings for twenty-four of the district's schools (one exam school, three neighborhood schools, and twenty magnet schools) was completed on May 3 and May 4, 2016. Of the twenty-four schools only one of them (the exam school, University High School) had web postings that appeared to be substantially in compliance with Arizona Open Meeting Law. (This was achieved after a League member who at the time had a student enrolled in the school brought problems with the postings to the attention of the school's principal in December of 2015.) The web sampling found:

- 16/24 schools sampled had web pages for their site councils that posted some information. Of the eight that had no web postings, three gave information by phone:
 - One (Booth Fickett) said they do have a site council, but a teacher is doing the school's web postings and site council announcements are not included on the website; hard copies of agendas and minutes are posted on a door in the school.
 - One (Utterback) said they do not have a site council; the principal makes decisions about undesignated tax credit funds.
 - One (Holladay) had a site council web page that said "Coming soon!" They had not scheduling regular meetings when we first called, but began scheduling meetings subsequently and three of these meetings have now been observed.
- of the sixteen that had websites, four of them had postings from previous years, but no postings of schedules, agendas or minutes from the current school year, 2015-2016

The site council minutes of two of the district's high schools indicate that some undesignated tax credit funds are being allocated to cover AP exam fees for families who do not qualify for free and reduced lunch. It is unclear what process is being used to determine how families qualify for these test fee subsidies.

Amphitheater School District (10)

In May of 2016 fairly complete web postings were found for some schools' site councils; incomplete postings were found for some schools' site councils; no postings were found for other schools' site councils.

Tanque Verde School District (13)

In May of 2016 web postings could not be found for any Tanque Verde site councils. However, a passage in Tanque Verde School District Governing Board minutes appears to indicate that

the schools do have site councils and that the councils serve some functions relating to the allocation of undesignated tax credit funds:

from "DRAFT – Unofficial Until Approved Meeting Minutes 2/12/2015 The Governing Board of the Tanque Verde Unified School District #13, Pima County, Tucson" - <http://www.tanqueverdeschools.org/Downloads/BdMtgMn21215.pdf>

"Tax Credit Donation Summary: Mr. Hamm shared the Tax Credit Donation Summary with Board members. All expressed their appreciation in the report breakdown by site, extra-curricular activity and overall clarity. Board members asked about tax credit donation funds that carryover from one year to the next. Dr. Price explained that the first year carryover the Site Council at each school will make recommendations for how the funds can be spent. If, on the second year of the carryover, the District can direct the funding to the greatest need category."

Catalina Foothills School District (16)

The controller for the district, who answered questions by phone on May 4, 2016, reported the following: Most tax credit funds and private donations come in with designations to specific programs. For tax credit funds that come in designated "to area of greatest need," administrators allocate them, sometimes to cover extracurricular fees for families with financial need, sometimes to cover extraordinary needs in athletic programs. RE the recent alteration of the tax credit law: according to the controller, no undesignated tax credit funds in the district are currently being used for standardized testing.

In September of 2016, web postings were found for some sites, including Esperero Middle School and Catalina Foothills High School. Web postings could not be found for Site Councils in the elementary schools spot-checked in this district. Office staff answering the phone at a couple of the elementary school sites (Ventana Vista and Sunrise Drive) reported that their schools had FFOs (Family-Faculty-Organizations) but did not have Site Councils. It is unclear whether this information was accurate; what is clear is that if there are governing bodies setting policy and allocating undesignated tax credit funds in these schools, information about their operations is not easily available on the schools' websites or to constituents making phone inquiries of their offices.

In spite of what the controller said in May of 2016, there was some evidence available that some administrators in the district sought guidance from Site Councils about how to allocate undesignated tax credit funds, even if they did not allow the council to "determine" how the funds were applied, per ARS 43-1089.01. The following passage from the January 2016 minutes of the Catalina Foothills High School Site Council was accessible from the Site Council web postings in September of 2016:

- V. Tax credits that go to groups/organizations that no longer exist (for example, French Club) will be diverted into a principal's fund; the Site Council will advise about how to use those funds. Dr. Chomokos will bring that budget to Site Council in the Fall.**

http://www.cfsd16.org/schools/foothillshigh/site_council/documents/2016-1-29_minutes.pdf