

UNITED STATES OF AMERICA vs. TOWN OF COLORADO CITY, ARIZONA, et al.

No. 3:12-cv-8123-HRH (Prescott Division)

May 17, 2023

To: United States District Court for the District of Arizona

From: Roger Carter, Court Monitor

Re: Supplemental report on the May 2023 Monitoring Report for the cities of Colorado City, Arizona, and Hildale, Utah.

In the May 4, 2023, Court Monitor and Police Consultant Report, the Court asked the Monitor to clarify the difference between the "posting" of minutes and the "availability of minutes."¹ Furthermore, the Monitor was to provide a proposal from city administrators on the date the deficiency in meeting minutes would be resolved. This supplemental report addresses those items.

The Monitor apologizes for any confusion associated with the distinction between the "posting" and "availability" of public body meeting minutes. In this context, the Monitor does not distinguish a separate time period between the "availability" of minutes and the "posting" of those minutes. Generally speaking, meeting minutes should be publicly "available" once the governing body accepts and votes on the accuracy of those minutes, usually at their next meeting. The Monitor has requested that once these minutes are approved, they be immediately "posted" on the communities website for public viewing and access. Although requested since November 1, 2021, the Cities have struggled to prioritize this request. Despite the Monitor's increased effort and emphasis during the past reporting period to encourage the Cities to publicly post previous meeting minutes, the Cities delayed this effort until the end of the reporting period. This resulted in several deficiencies in compliance with this requirement and the negative report

¹ Holland, H. Russel, *Court Monitor and Police Consultant Report*. May 4, 2023, p 6.

in the May 2023 Monitor Report.² The Monitor hopes this explanation provides more clarity to that May Report.

Since the May Report, the Monitor has met with the mayors and managers from both Cities and reviewed the reason for the negative report and the response from the Court.³ The Cities have agreed and asked the Monitor to communicate to the Court that they intend to resolve all deficiencies due to the lack of posting meeting minutes by **June 30, 2023**. The Cities will be in compliance with this requirement once all adopted meeting minutes are available to the public from the communities' websites.

The Monitor can either report to the Court on the Cities compliance to this issue after June 30, 2023, or in its regularly scheduled Monitor Report on November 1, 2023; whichever the Court prefers.

The Monitor thanks the Court for the opportunity to provide this Supplemental Report to its May 1, 2023, Monitoring Report.

DATED at Washington City, Utah, this 17th day of May, 2023.

Roger Carter
Court Monitor

² Carter, R. May 2023 Monitoring Report for the cities of Colorado City, Arizona, and Hildale, Utah, p 6.

³ Holland, H. Russel, *Court Monitor and Police Consultant Report*. May 4, 2023.