

Paradise Valley's e-mails  
violated law on open  
meetings

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Members of the Paradise Valley Town Council and Planning Commission violated the state's open-meeting law when two e-mails were exchanged in September, according to the Arizona Attorney General's Office.

An exchange of e-mails can constitute a meeting, according to the state's open-meeting law.

The exchange involved actions the town considered taking in response to an application for a special-use permit amendment by Crown Castle, a company hired by Paradise Valley to bring enhanced wireless communications to the town through a distributed antenna system (DAS).

The system consists of 42 node sites throughout the town.

Amy Rezzonico, a spokeswoman with the Attorney General's Office, said since potential action was discussed, the e-mails constituted meetings under the law, which requires that public notice be given when a majority of a public body will meet to discuss policy and requires most meetings to be open to the public.

Certain exceptions are allowed for "executive sessions," which can be held in private if certain topics, such as legal advice or personnel matters, are discussed, but public notice still must be given and final votes must be taken in public.

In September, Crown Castle, formerly NewPath Networks Inc., submitted an

application to amend its permit, originally approved in July 2010, to allow for electric meters at each node due to rate changes at Arizona Public Service, which supplies power for the nodes.

The requested amendment included the stipulation that all nodes must require the installation of electric meters, a requirement that was unexpected based on the original permit, according to town e-mails.

"During discussions we had on DAS antennas, NewPath repeatedly said that there would be no electric meters," planning commissioner Dolf Strom stated in an e-mail to members of the Planning Commission and Town Council.

Town Attorney Andrew Miller said the meters don't blend in with the surroundings in town -- 37 of the nodes are housed in faux cactuses.

The Attorney General's Office will take no action, because the open-meeting violation was deemed unintentional, but it has required that the proposed settlement with the town be made public at the Town Council meeting tonight.

Town officials have made the e-mails and other materials associated with the violation public.

Rezzonico said the council and commission members will receive training from the town attorney as well as the Arizona Ombudsman's Office.

"Because the town reported its own violation and the fact that the town was very proactive in responding to the violation ... our office's remedial requirements were minimal," she said.

Town officials said Crown Castle is in the process of preparing permit applications for each meter, which is required for each meter installation.