

Bond Case Briefs

Municipal Finance Law Since 1971

PUBLIC RECORDS - ARIZONA

Sierra Club v. Salt River Project Agricultural Improvement and Power District

Court of Appeals of Arizona, Division 2 - January 3, 2025 - 139 Arizona Cases Digest 29 - 563 P.3d 151

Non-profit environmental organization filed statutory special action complaint under Public Records Law after agricultural improvement and power district denied, in part, its public records request, seeking order to show cause compelling production of certain documents.

The Superior Court, Maricopa County, dismissed the complaint, denied the order to show cause, and entered final judgment in favor of the district, but also determined that the district was a “public body” under the Public Records Law. Non-profit organization appealed, and the district cross-appealed.

The Court of Appeals held that:

- District was “public body” within meaning of Public Records Law;
- Superior court could consider whether requested records were confidential under statute making certain information held by public power entities confidential when the information relates to competitive activity and disclosure could give material advantage to another entity first, before conducting analysis under the Public Records Law;
- Statute making certain information held by public power entities confidential does not create a presumption of confidentiality;
- Statute making certain information held by public power entities confidential does not require showing of resultant competitive disadvantage or injury from disclosure;
- Superior court’s abuse of discretion in misapplying statute governing confidentiality of certain information held by public power entities required remand for court to make findings regarding whether records were shielded from disclosure;
- Award of attorney fees to non-profit organization as sanction against district was not warranted; and
- Non-profit organization was entitled to award of costs on appeal against district.