

Utah Open and Public Meetings Act The Basics



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Annual Training



THE PRESIDING OFFICER OF THE PUBLIC BODY SHALL ENSURE THAT THE MEMBERS OF THE PUBLIC BODY ARE PROVIDED WITH ANNUAL TRAINING ON THE REQUIREMENTS OF THIS CHAPTER.



Public Policy Declaration



THE LEGISLATURE FINDS AND DECLARES THAT THE STATE, ITS AGENCIES AND POLITICAL SUBDIVISIONS, EXIST TO AID IN THE CONDUCT OF THE PEOPLE'S BUSINESS.

IT IS THE INTENT OF THE LEGISLATURE THAT THE STATE, ITS AGENCIES, AND ITS POLITICAL SUBDIVISIONS: TAKE THEIR ACTIONS OPENLY; AND CONDUCT THEIR DELIBERATIONS OPENLY.



Open Meetings



A MEETING IS OPEN TO THE PUBLIC UNLESS
CLOSED . . .



Meeting . . .



. . . THE CONVENING OF A PUBLIC BODY, WITH A
QUORUM PRESENT . . .



Meeting . . .



. . . THE CONVENING OF A **PUBLIC BODY**, WITH A
QUORUM PRESENT . . .



Public Body . . .



. . . ANY ADMINISTRATIVE, ADVISORY, EXECUTIVE, OR LEGISLATIVE BODY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT: IS CREATED BY THE UTAH CONSTITUTION, STATUTE, RULE, ORDINANCE, OR RESOLUTION; CONSISTS OF TWO OR MORE PERSONS; EXPENDS, DISBURSES, OR IS SUPPORTED IN WHOLE OR IN PART BY TAX REVENUE; AND IS VESTED WITH THE AUTHORITY TO MAKE DECISIONS REGARDING THE PUBLIC'S BUSINESS.



Public Body . . .



. . . ANY ADMINISTRATIVE, ADVISORY, EXECUTIVE, OR LEGISLATIVE BODY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT: IS CREATED BY THE UTAH CONSTITUTION, STATUTE, RULE, ORDINANCE, OR RESOLUTION; **CONSISTS OF TWO OR MORE PERSONS**; EXPENDS, DISBURSES, OR IS SUPPORTED IN WHOLE OR IN PART BY TAX REVENUE; AND IS VESTED WITH THE AUTHORITY TO MAKE DECISIONS REGARDING THE PUBLIC'S BUSINESS.



Meeting . . .



. . . THE CONVENING OF A PUBLIC BODY, WITH A
QUORUM PRESENT . . .



Quorum . . .



. . . A SIMPLE MAJORITY OF THE MEMBERSHIP OF
A PUBLIC BODY, UNLESS OTHERWISE DEFINED
BY APPLICABLE LAW.



Meeting . . .



. . . THE **CONVENING** OF A PUBLIC BODY, WITH A
QUORUM PRESENT . . .



Convening . . .



. . . THE CALLING OF A MEETING OF A PUBLIC BODY BY A PERSON AUTHORIZED TO DO SO FOR THE EXPRESS PURPOSE OF DISCUSSING OR ACTING UPON A SUBJECT OVER WHICH THAT PUBLIC BODY HAS JURISDICTION OR ADVISORY POWER.



Convening . . .



. . . THE CALLING OF A MEETING OF A PUBLIC BODY BY A PERSON AUTHORIZED TO DO SO FOR THE EXPRESS PURPOSE OF **DISCUSSING** OR ACTING UPON A SUBJECT OVER WHICH THAT PUBLIC BODY HAS JURISDICTION OR ADVISORY POWER.



Group Messaging



NOTHING IN THIS CHAPTER SHALL BE CONSTRUED TO RESTRICT A MEMBER OF A PUBLIC BODY FROM TRANSMITTING AN ELECTRONIC MESSAGE TO OTHER MEMBERS OF THE PUBLIC BODY AT A TIME WHEN THE PUBLIC BODY IS NOT CONVENED IN AN OPEN MEETING.





Open Meeting Checklist

Notice

- Annual notice of regular meeting schedule
- At least 24 hours notice of the meeting date, time place and agenda posted in office, posted on Utah Public Notice website and sent to newspaper





Open Meeting Checklist

Notice

Agenda

- Agenda identifies topics for consideration with reasonable specificity
- May discuss topics not on the agenda when raised by the public but may not take final action





Open Meeting Checklist

- Notice
- Agenda
- Recording

- Recording required and must be posted on Utah Public Notice website within three days of the meeting





Open Meeting Checklist

- ☑ Notice
- ☑ Agenda
- ☑ Recording
- ☑ Minutes

- Any electronic information presented by any individual at the meeting must be included in the official record of the meeting
- Pending Minutes
 - Must be available within 30 days of the meeting
 - Notice that pending minutes are subject to approval and may change
- Approved Minutes
 - Voted upon in an open meeting
 - Official record of the meeting
 - Posted to Utah Public Notice website within three days of approval along with any meeting materials



Electronic Meetings



A PUBLIC BODY MAY NOT HOLD AN ELECTRONIC MEETING UNLESS THE PUBLIC BODY HAS ADOPTED A RESOLUTION, RULE, OR ORDINANCE GOVERNING THE USE OF ELECTRONIC MEETINGS



Closed meetings



PUBLIC BODIES **MAY** CLOSE A MEETING TO
DISCUSS CERTAIN ISSUES





Closed Meeting Checklist

Permitted Topics

- Character, professional competence, or physical or mental health of an individual
- Collective bargaining
- Pending or reasonably imminent litigation
- Purchase, exchange or lease of real property
- Sale of real property
- Deployment of security personnel, devices, or systems
- Investigation of allegations of criminal misconduct





Closed Meeting Checklist

Permitted Topics

Prohibited Topics

- Interview a person applying to fill an elected position
- Discuss filling a midterm vacancy or temporary absence
- Discuss the character, professional competence, or physical or mental health of a person under consideration to fill a midterm vacancy or temporary absence





Closed Meeting Checklist

- ☑ Permitted Topics
- ☑ Prohibited Topics
- ☑ Before Closing

- Start in a properly noticed open meeting with a quorum present
- At least 2/3 of members present must approve closed meeting
- Announce in open meeting reason(s) for and location of closed meeting
- Enter reason(s) for and location of meeting and meeting closing votes of members by name into open meeting minutes





Closed Meeting Checklist

- ☑ Permitted Topics
- ☑ Prohibited Topics
- ☑ Before Closing
- ☑ While Closed

- Approve no actions during the closed meeting
- Take minutes of closed meeting (optional)
- Must record closed meeting except when discussing:
 - Character, professional competence, or physical or mental health of an individual
 - Deployment of security personnel, devices, or systems





Closed Meeting Checklist

- ☑ Permitted Topics
- ☑ Prohibited Topics
- ☑ Before Closing
- ☑ While Closed
- ☑ Afterward

- Return to open meeting to take any action
- Chair signs sworn statement that body discussed only:
 - Character, professional competence, or physical or mental health of an individual
 - Deployment of security personnel, devices, or systems



Meeting Exclusions

- CHANCE GATHERING
- SOCIAL GATHERING
- BODY W/EXECUTIVE AND LEGISLATIVE POWERS
- USTC: CONFIDENTIAL TAX MATTERS



Enforcement



- REMOVAL OF DISRUPTIVE PERSON PERMITTED
- SUIT TO VOID FINAL ACTION
- SUIT TO COMPEL COMPLIANCE
- IN CAMERA REVIEW OF CLOSED MEETING
- CRIMINAL: CLOSED MEETING VIOLATION



