

OPEN & PUBLIC MEETINGS ACT

U.C.A. § 52-4-101 *et. seq.*

Definitions

Any meeting of a public body or specified body must to be open to the public.

- Includes executive sessions or workshops

A Public Body is any state administrative, advisory, executive, or legislative body of the state which:

- is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- consists of two or more persons;
- spends, distributes, or is supported by tax money; and
- has authority to make decisions about the public's business.

A specified body is a non-public body with 3 or more members that includes at least one member of the legislature officially appointed to the body by the President of the Senate, Speaker of the House of Representatives, or governor.

Meeting means convening of a public body with a quorum, either in-person or electronic means, to discuss or act on a matter under its authority

- does not include chance or social gatherings
- electronic participation needs authorizing administrative rule

Notice

Public notice of the meeting must be given at least 24 hours before the meeting.

- The public notice must be specific enough to notify the public about the topics to be considered at the meeting and must include the agenda, date, time and place.
- Chair may allow discussion of a topic raised by the public
- Cannot take final action on any item not properly noticed on agenda

Emergency meetings can be held by majority vote of the public body to consider matters of an "emergency or urgent nature".

- Must provide the best public notice practicable
- Minutes must state the unforeseen circumstances that made the meeting necessary

Notice must be provided by:

- posting written notice at the principal office of the public body; and
- placing a notice on the Utah Public Notice Website.

Closed Meetings

A meeting may be closed by a two-thirds vote of the body for the following reasons:

- discussing an individual's character, professional competence, or physical or mental health;
- strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, or the purchase, exchange lease or sale of real property;

- discussions regarding security personnel, devices or systems;
- investigative proceedings regarding allegations of criminal misconduct;
- deliberations, not including any information gathering activities, of a public body in a judicial process (e.g., decision-making process) (*Dairy Product Services, Inc. v. Wellsville*, 13 P.3d 581 (Utah 2000)).

In a closed meeting, a public body may not:

- discuss another topic besides the topics for which a closed meeting is permitted.
- interview a person applying to fill an elected position;
- discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5;
or
- discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence;

Recordings and Minutes

The entire meeting must be recorded and written minutes must be made that include:

- the date, time, and place of the meeting;
- the names of all members present or absent;
- all matters proposed, discussed, or decided;
- individual votes on each matter;
- the name and substance of the information given by individuals at the hearing after being recognized by the presiding officer;
- an copy of any information presented in a public meeting; and
- any additional information requested by a member.

Minutes include closed portions of meetings unless discussion was for private information about a person or security measures.

The minutes must be approved by the body and made available to the public.

- 30 days for pending minutes
- 3 days for approved minutes
- 3 days for audio recording

A court can void any action taken in violation of the Act however a violation can sometimes be cured in a subsequent meeting by following the law.

- A violation of the law may result in the payment of attorney's fees and court costs which are incurred to enforce the law.

A member of a public body who knowingly or intentionally violates the law or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.