



Utah Open Meeting Law

September 14, 2023

Let's Investigate

WHO: Applicable to whom

WHAT: Legal requirements

WHEN: Meetings, Timelines, and deadlines

WHERE: Notification

WHY: Importance and Impact

HOW: Stay out of trouble



Who does this law apply to?

- If you are in this room....it applies to you!
 - Board members responsible - Charter, Legal, and Financial
- LVA is a public body
 - A governmental entity that receives public funding,
- Excludes
 - School community council, charter school trust lands council, board committees



What are the legal requirements?

- A public body does the public's business in the public.
 - Meetings with a specific purpose, deliberations, and actions
 - Does not include a social gathering or a chance meeting
- Public notice
- Public comment
- Publish meeting agenda and minutes



Meetings, Timelines, and Deadlines

➤ Regular meetings

- Quorum – simple majority.
- The public has the right to provide verbal and written comments to the Board
- Public notice given no less than 24 hours before the board meeting – X3
 - Agenda, date, time, and place
- Board Action – must be listed on the agenda



Meetings, Timelines, and Deadlines

- Regular meetings – minutes and recordings
 - Public records (pending, approved, recording)
 - Minutes include date, time, place, attendance, the substance of discussion and action items, the votes taken by individual members, public comments, and supporting documentation
 - Provide a publicly available online version of the minutes on PMN, LVA website, and office
 - Pending minutes - within thirty (30) days
 - Approved minutes - within three (3) days
 - The complete and unedited recording posted on the PMN website within three (3) days



Meetings, Timelines, and Deadlines

- Electronic meetings
 - Must have a policy in place providing parameters for an electronic mtg
 - All votes during an electronic meeting will be by roll call
 - Identify and publicly notice at the anchor location– 24 hours prior to the meeting
 - Provide means by which the public may attend remotely and participate
 - Minutes follow same guidelines as regular meetings
 - Exception: Recordings are not required



Meetings, Timelines, and Deadlines

- Closed meetings
 - Specific reasons to enter a closed session – all must be discussed – motion carefully
 - No action may take place
 - The board may NOT interview a person applying to fill an elected position
 - Must make a recording (complete and unedited) of the closed meeting
 - Protected records – requires a court order to release
 - Enter a closed meeting via a 2/3 roll call vote – chair sworn statement



Meetings, Timelines, and Deadlines

- Emergency meetings
 - Unforeseen, NOT unplanned circumstances
 - Best effort made to notify the public
 - Minutes and recording taken
 - Timelines to publicly post minutes and recordings remain the same



Why is this important?

COMMENTARY

We've never seen a violation of open meetings law like this

Lawsuit against party leaders in the Colorado House from two of its own members makes reform unavoidable



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How secretive meetings led to the firing of an entire school board

CANYON COUNTY

Canyon County Commissioners deny open meetings violation accusation from ousted commissioner

Open meeting law violation? Former commissioner questions Canyon County budget process

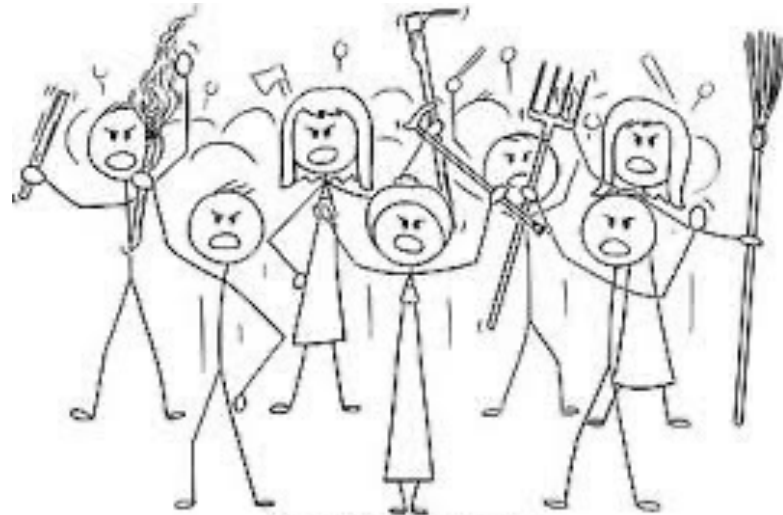
ERIN BANKS RUSBY@eruby@idahopress.com Sep 1, 2023

Audit: Many independent state entities violate Utah open meetings laws

Transparency? • Some agencies failed to give required public notice or didn't post recordings to the state website.

Violations Impact?

- Class B misdemeanor
- Fines and legal fees
- Courts may void action taken
- Distrust from school and community stakeholders



How to stay out of trouble

- Be in the know
 - Speak up – you are responsible and accountable, too!
 - Do-overs acceptable, not a rule of thumb
- Be aware of Board Communication
 - “Reply to All” slippery slope
- Be aware of the power of perception
 - What about a school event?

