

Welcome to

Open and Public
Meetings Training

May 13, 2014

Why are you receiving training on Utah's Open & Public Meetings Act today?

A. The City Recorder likes to make presentations.

B. So you could get a good dinner.

C. The Act requires annual training.

D. Because the City has received numerous complaints alleging violations of the Act.

Why are you receiving training on Utah's Open & Public Meetings Act today?

C. The Act requires the presiding officer to ensure that the members of the public body are provided with annual training on the requirements of the Act. §52-4-104.

Fill in the blanks: “It is the intent of the legislature that the state, its agencies and its political subdivisions: (a) take their actions _____; and (b) conduct their deliberations _____.

A. take their actions openly; and conduct their deliberations openly.

B. take their actions openly; and conduct their deliberations in English.

C. take their actions openly; and conduct their deliberations in front of the media.

D. Take their actions openly; and conduct their deliberations with integrity.

What does the Utah Open & Public Meetings Act do? “It is the intent of the legislature that the state, its agencies and its political subdivisions: (a) take their actions _____; and (b) conduct their deliberations _____.

A. take their actions openly; and conduct their deliberations openly.

For purposes of the Open and Public Meetings Act, as applied to Clearfield City Council and Planning Commission, a quorum is....

A. A meeting of two elected or appointed officials.

B. One elected or appointed official discussing City matters with a group of residents.

C. A simple majority of the members of a public body.

For purposes of the Open and Public Meetings Act, as applied to Clearfield City Council and Planning Commission, a quorum is....

C. A simple majority of the members of a public body.

The following gatherings of a quorum of a public body qualify as a “meeting” under the Open and Public Meetings Act

A. A chance meeting.

B. A social gathering.

C. Convening in person or by electronic communication to discuss, receive comments, or act upon a matter over which the public body has jurisdiction or advisory power.

The following gatherings of a quorum of a public body qualify as a “meeting” under the Open and Public Meetings Act

C. Convening in person or by electronic communication to discuss, receive comments, or act upon a matter over which the public body has jurisdiction or advisory power.

All meetings of a public body must be conducted in the open unless a meeting is closed for certain limited reasons specified by a provision of the Open & Public Meetings Act.

A. False

B. True

C. True, as long as all the members of the public body vote to close the meeting.

D. False, a meeting can only be closed if an emergency arises that requires immediate action by the public body.

All meetings of a public body must be conducted in the open unless a meeting is closed for certain limited reasons specified by a provision of the Open & Public Meetings Act

B. True

Electronic communications such as email and text messages between a quorum of the members of a public body do not constitute a “meeting” under the Open and Public Meetings Act.

A. False

B. True

C. True, as long the members of the public body or bodies do not take any formal action.

D. False, if the communications discuss city business of any kind.

Electronic communications such as email and text messages between a quorum of the members of a public body do not constitute a “meeting” under the Open and Public Meetings Act.

D. False, if the communications discuss city business of any kind.

The Open & Public Meetings Act provides that minutes and recordings of closed meetings are:

A. Recorded by the City Recorder

B. Protected records under GRAMA

C. Private records under GRAMA

D. Maintained for 90 days then destroyed

The Open & Public Meetings Act provides
that minutes and recordings of closed
meetings are:

B. Protected records under GRAMA

A public body may close a meeting for the purpose of:

A. Holding a strategy session to discuss pending or reasonably imminent litigation.

B. Conferring with a member of the state legislature over a matter that is deemed too important to be heard by members of the public.

C. Discussing the character, professional competence, or physical or mental health of an individual deemed to be an at-risk employee under State law.

D. Both A and C.

A public body may close a meeting for the purpose of:

A. Holding a strategy session to discuss pending or reasonably imminent litigation.

Under the Open & Public Meetings Act, the following are considered public bodies:

A. Planning Commission

B. A golf foursome of elected City officials.

C. City Council

D. Answers (a) and (c)

Under the Open & Public Meetings Act,
the following are considered public
bodies:

D. Answers (a) and (c)

To satisfy the notice requirement of the Open & Public Meetings Act, a public body's notice must:

A. Be posted at least 12 hours before the meeting.

B. Include a general agenda and names of board members attending.

C. Include meeting agenda, date, time, and place of meeting.

D. None of the above

To satisfy the notice requirement of the
Open & Public Meetings Act, a public
body's notice must:

C. Include meeting agenda, date, time, and
place of meeting.

The Open & Public Meetings Act requires public bodies to keep written minutes of the meeting and an audio recording. The Act now requires the public body to:

A. Make pending minutes available to the public within a reasonable time after holding the meeting.

B. Within three business days after approving the minutes, make the approved minutes available to the public.

C. Within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

D. All of the above.

The Open & Public Meetings Act requires public bodies to keep written minutes of the meeting and a recording. Public bodies are now required to:

D. All of the above

A. Within three business days after approving the minutes, make the approved minutes available to the public.

B. Names of members present and absent, and names of each person who provided testimony and the substance of the testimony.

C. Within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

Must the City Council close a meeting that is held to discuss the character, professional competence, or physical or mental health of an individual?

A. Yes, if the discussion concerns an employee of the City.

B. Yes, but only if the discussion concerns an individual considered an “at-risk government employee” pursuant to Section 63G-2-303 of the Utah Code.

C. No, if discussion concerns a public employee as the public is entitled to hear deliberations concerning the professional competence of public employees.

D. No, the decision to close a meeting is discretionary.

Must the Commission close a meeting that is held to discuss the character, professional competence, or physical or mental health of an individual?

D. No, the decision to close a meeting is discretionary.

Select the answer that best describes the process to close meetings as outlined by the Act:

A. A quorum of the public body must be present; 2/3 of the body present must vote to close the meeting; the public body must first hold a public meeting with proper notice before entering into the closed meeting. The public body will then make three public disclosures on the record.

B. All members of the public body must be present, 2/3 of the body must vote to close the meeting, the public body must first hold a public meeting with proper notice before entering into the closed meeting. The public body will then make three public disclosures.

C. The chair of the public body must simply announce on the record during a public meeting that the body is entering into a closed meeting, and disclose the basis for closing the meeting.

D. At least 2 members of the public body must be present; the public body must unanimously vote to close the meeting; the public body must first hold a public meeting with proper notice before entering the closed meeting.

Select the answer that best describes the process to close meetings as outlined by the Act:

A. A quorum of the public body must be present; 2/3 of the body present must vote to close the meeting; the public body must first hold a public meeting with proper notice before entering into the closed meeting. The public body will then make three public disclosures on the record.

When closing a public meeting, the public body must make the following public disclosures and enter them on the record:

A. The reason for closing the meeting & the vote by name, of each member of the public body for or against the motion to hold the closed meeting.

B. The name of the individual for whom public body will discuss, the character traits open to discussion, and the competency questions to be discussed.

C. The reason for holding the closed meeting, the location of where the meeting will be held, and the vote by name of each member of the public body for or against the motion to hold the closed meeting.

D. The vote of each member of the public body for or against the motion to hold the closed meeting, the location of the meeting, and a declaration of whether the body support's the Democratic or Republican party.

When closing a public meeting, the public body must make the following three public disclosures and enter them on the record

C. The reason for holding the closed meeting, the location of where the meeting will be held, and the vote by name of each member of the public body for or against the motion to hold the closed meeting.

Does the Open & Public Meetings Act prohibit anything during a closed meeting?

A. Yes, the City Council may not interview a person to fill an elected position.

B. Yes, the City Council may not reprimand an employee in a closed meeting; all reprimands must be done in an open meeting.

C. No, the City Council can approve ordinances and resolutions and take final action since minutes of the closed meeting will be kept.

D. No, what happens in a closed meeting stays in the closed meeting, **even** in Clearfield City.

Does the Open & Public Meetings Act prohibit anything during a closed meeting?

A. Yes, the City Council may not interview a person to fill an elected position (also no approval of ordinances, resolutions, rules, regulations, appointments, or contracts).

_____ heads off to the golf course one Tuesday afternoon. After shooting par on the front nine he decides he'd rather finish the back nine rather than leave the course to attend city council meeting in person. Does he have to attend the meeting in person for it to be valid, or can he "phone it in?"

A. No, the Act allows public meetings to take place by phone, computer, or other electronic means.

B. Yes, he must attend the meeting in person because without him the other council members will be lost.

C. No, he can "phone it in" provided the City has adopted an ordinance or resolution authorizing electronic meetings, and proper notice of an electronic meeting has been given.

D. This is a trick question with no answer since it is not possible – *even in a hypothetical* – that _____ could ever shoot an even par through nine holes.

_____ heads off to the golf course one Tuesday afternoon. After shooting par on the front nine he decides he'd rather finish the back nine rather than leave the course to attend city council meeting in person. Does he have to attend the meeting in person for it to be valid, or can he "phone it in?"

C. No, he can "phone it in" provided the City has adopted an ordinance or resolution authorizing electronic meetings, and proper notice of an electronic meeting has been given.

The City posts an opinion question utilizing its social media sites to receive comment from residents regarding gravel driveways. Is it a violation of the Open and Public Meetings Act for members of the City's public bodies to post and respond to comments and questions received?

A. No, communications via "social" media sites do not constitute a violation of the Open and Public Meetings Act.

B. Yes, if a quorum of a public body discusses or receives comments, including electronically, about a matter over which it might have jurisdiction.

The City posts an opinion question utilizing its social media sites to receive comment from residents regarding gravel driveways. Is it a violation of the Open and Public Meetings Act for members of the City's public bodies to post and respond to comments and questions received?

B. Yes, if a quorum of a public body discusses or receives comments, including electronically, about a matter over which it might have jurisdiction.

The following entities may enforce the Open & Public Meetings Act:

A. The courts, the Attorney General, and the legislature.

B. The Attorney General, County Attorney, and private citizens who are an aggrieved party.

C. The Attorney General, County Attorney, and the legislature.

D. The legislature, the Attorney General, and private citizens.

The following entities may enforce the Open & Public Meetings Act:

B. The Attorney General, County Attorney,
and private citizens who are an aggrieved
party.

What happens if the City violates the Open Meetings Act?

A. City Recorder will record the violation so it will be available to the public.

B. A successful plaintiff may be awarded costs but not attorneys' fees.

C. HR will terminate the employment of any employee that violates the Act. No exceptions.

D. A member of a public body who intentionally violates any of the closed meeting provisions of the act is guilty of a Class B Misdemeanor.

What happens if someone violates the Open & Public Meetings Act?

D. A member of a public body who intentionally violates any of the closed meeting provisions of the act is guilty of a Class B Misdemeanor.

