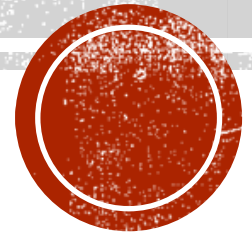


# OPEN PUBLIC MEETINGS ACT

Commission on Criminal and Juvenile Justice

11/9/23



**THE PUBLIC'S BUSINESS MUST BE  
CONDUCTED IN PUBLIC**



# WHAT IS A PUBLIC BODY?

- 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.



# NOTICE

- Must be provided 24 hours in advance:
  - on the Utah Public Notice Website;
  - on the public body's website, if there is one; and
  - at the anchor location.
- The public body must give public notice at least once each year of its annual meeting schedule.



# AGENDA

- The agenda must include the:
  - The date, time, and anchor location of the meeting; and
  - A description of how to electronically connect to the meeting.
- The agenda must be reasonably specific to notify the public of all topics to be considered at the meeting.
- A public body may not take final action on a topic unless that topic is listed on the agenda.



# QUORUM

- A quorum must be present for a public body to take final action on a matter.
- A majority of the Commission's duly appointed members constitutes a quorum.
  - 14 members must be present.
  - This includes members, designees, or representatives appearing in person or electronically.
- The action of a majority of the members constitutes an action of the public body.
  - A vote only needs a majority of the members present to pass.



# WRITTEN MINUTES

- Minutes must include:
  - Date, time, & place of meeting;
  - Names of members present & absent;
  - Substance of matters proposed, discussed, or decided;
  - Record of votes, by each member;
  - Name of commentators & a brief summary of their comments/testimony; and
  - Any other information requested to be in the record.



# RECORDS MUST BE MADE AVAILABLE

- Minutes and a recording must be kept
  - A link to the recording of the meeting must be posted within 3 days of the meeting.
  - The pending minutes must be made available within 30 days of the meeting.
  - The approved minutes must be posted within 3 days after they are approved.





# RECORD KEEPING / GRAMA

- Written minutes of open meetings
  - The approved written minutes are the official record of the meeting.
- Recordings
  - There must be separate recordings for the open and closed portions of the meeting.
- Handouts
- Emails
- Texts



# DESIGNEE

- If a member is allowed to appoint a designee, the member may appoint a designee to represent the member when the member is unable to appear.
  - The member must send an email to the staff with the designee's name and title.
  - The designee may continue to represent the member thereafter until further notification from the member.
- A designee has the same authority as a member and may vote their own conscience.



# UTAH CODE § 63M-7-202

- Members allowed to have a designee:
  - the state court administrator;
  - the executive director of the Department of Corrections;
  - the executive director of the Department of Health and Human Services; and
  - the commissioner of the Department of Public Safety.



# REPRESENTATIVE

- If an entity is allowed to appoint a representative, the entity may appoint their representative by having the head of the entity send an email to the staff containing the representative's name and title.
- A representative has the same authority as a member and may vote their own conscience.
- The representative shall continue to serve until further notification from the head of the entity.



# DESIGNATED MEMBERS

- The chief justice of the supreme court or a judge *designated by the chief justice.*
- The attorney general or an attorney *designated by the attorney general.*
- The president of the chiefs of police association or a chief of police *designated by the association's president.*
- The president of the sheriffs' association or a sheriff *designated by the association's president.*
- The chair of the Board of Pardons and Parole or a member of the Board *designated by the chair.*
- The chair of the Sentencing Commission or a member of Commission *designated by the chair.*
- The chair of the Substance Use and Mental Health Advisory Council or a member of the Council *designated by the chair.*
- The chair of the Board of Juvenile Justice or a member of the Board *designated by the chair.*
- The chair of the Victim Services Commission or a member of the Commission *designated by the chair.*
- The chair of the Council on Victims of Crime or a member of the Council *designated by the chair.*
- The executive director of the Salt Lake Legal Defender Association or an attorney *designated by the executive director.*
- The chair of the Indigent Defense Commission or a member of the Commission *designated by the chair.*
- The Salt Lake County District Attorney or an attorney *designated by the district attorney.*
- A representative of the statewide association of public attorneys designated by the association's officers.
- The United States Attorney for the district of Utah or an attorney *designated by the United States Attorney.*



# PROXY

- A member or representative may appoint a proxy to attend a specific meeting on their behalf.
  - The member or representative must email the staff prior to the meeting with the name and title of the proxy.
- The proxy must appear in person at the meeting and may not appear electronically.
- The proxy is not free to make their own decisions and may only vote as the member directs.
- A proxy shall have no authority to act on behalf of the member or representative after the meeting.



# ELECTRONIC MEETINGS

- The chair must identify each member, designee, or representative who is appearing electronically on the record.
- A member, designee, or representative who appears electronically may fully participate and vote on any matter.
- Votes by members, designees, or representatives who are appearing electronically must be confirmed by the chair.



# CLOSED MEETINGS

- A meeting may only be closed if allowed by the statute.
- The public body must be in an open meeting before voting to go into a closed session.
- Closing the meeting must be approved by a 2/3 vote.
- Must vote to come out of a closed meeting.





# DISRUPTION OF MEETINGS

- The Act does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.



# **VIOLATIONS**

- Any action taken by a public body in violation of the statute may be voided.
- May need to redo action in an open public meeting.
- The public body may be responsible for court costs.
- An intentional violation is a class B misdemeanor.



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