

**2024 Utah Open and Public Meetings Act Training for
Military Installation Development Authority (MIDA) Boards**

- 1) Public policy statement: the Boards of MIDA and its subsidiaries exist to aid in the conduct of the people's business. These Boards should (a) take their actions openly, and (b) conduct their deliberations openly.
- 2) General rule: board meetings are open to the public unless there is a legal basis for closing.
- 3) "Meeting" means a gathering of a public body with a quorum present that is:
 - a) convened by an individual with authority to convene the public body and who follows the process provided by law for convening the public body; and
 - b) convened for the express purpose of acting as a public body to (i) receive public comment about a relevant matter, (ii) deliberate about a relevant matter, or (iii) take action upon a relevant matter.
- 4) "Relevant matter" means a matter that is within the scope of authority of a public body or specified body, and it does not include a managerial or operational matter for public bodies with both executive and legislative responsibilities.
- 5) Public notice: must contain meeting agenda, date, time, and place, and be published not less than 24 hours before the meeting. Agenda topics must be provided with reasonable specificity to inform the public.
- 6) Closed meetings: may only be held for specified reasons. Meetings may only be closed if a quorum is present and 2/3 of the board votes to approve closing the meeting. Ordinances, resolutions, rules, regulations, contracts, and appointments cannot be approved in a closed meeting. No votes are allowed in a closed meeting other than to end the closed meeting.
- 7) Electronic meetings: MIDA's statute and internal policies allow for electronic meetings to occur, provided that the public is allowed to observe the meeting electronically.
- 8) Predetermining public body action prohibited. Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter.
- 9) Emails and texts: the Act does not restrict board members from transmitting electronic messages to each other when the board is not convened in an open meeting. However, board members should refrain from using electronic messages during the open meeting for the purpose of discussing board business. Deliberations should be open.
- 10) Penalties: the remedy for violations of the Act is a suit to void any nonpublic final action taken by the board. The Attorney General, County Attorneys, and private plaintiffs may bring action to enforce or compel compliance. Courts may also review the legality of closed meetings. Attorney fees may be awarded. Knowing or intentional violations of the Act are also punishable by a Class B misdemeanor.