

## Open and Public Meetings Act – 2024 Annual Training

- 1) Public policy statement: the Advisory Board exists to aid in the conduct of the people's business. The Board should a) take its actions openly, and b) conduct its deliberations openly.
- 2) Meeting: convening of the Board, with a quorum present, whether in person or electronically, for the purpose of conducting public business within its jurisdiction.
- 3) General rule: Board meetings are open to the public unless there is a legal basis for closing.
- 4) Public notice: must contain meeting agenda, date, time, and place, and be published in written form at the Board office and on the Utah Public Notice Website not less than 24 hours before the meeting. Agenda topics must be provided with reasonable specificity.
- 5) Minutes: written minutes and a complete recording must be kept of Board meetings, including a record of votes. Approved minutes must be provided to the public within 3 business days of the meeting. The public and media may also record Board meetings.
- 6) Closed meetings: may only be held for specified reasons listed in the Act. 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. State Reason on the record prior to closing. Minutes and recording of the closed meeting generally must be kept.
- 7) Allowable Reasons to Close: See Utah Code Ann. 52-4-205.
- 8) Electronic meetings: allowable subject to notice requirements and establishment of a physical anchor location that is open to the public and where the Board normally meets. Electronic meetings may be held without a physical anchor location upon written findings of the Chair.  
Good for 30 days
- 9) Chance or social meetings: the Act does not apply to chance or social meetings of Board members, but such meetings may not be used to circumvent the Act.
- 10) E-mails 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.  
(Recommend not communicating via email or text during meetings)
- 11) Penalties: the remedy for violations of the Act is a suit to void any nonpublic final action taken by the Board. The Attorney General, District Attorney, 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.
- 12) May cure defect through remedial action in a later meeting.