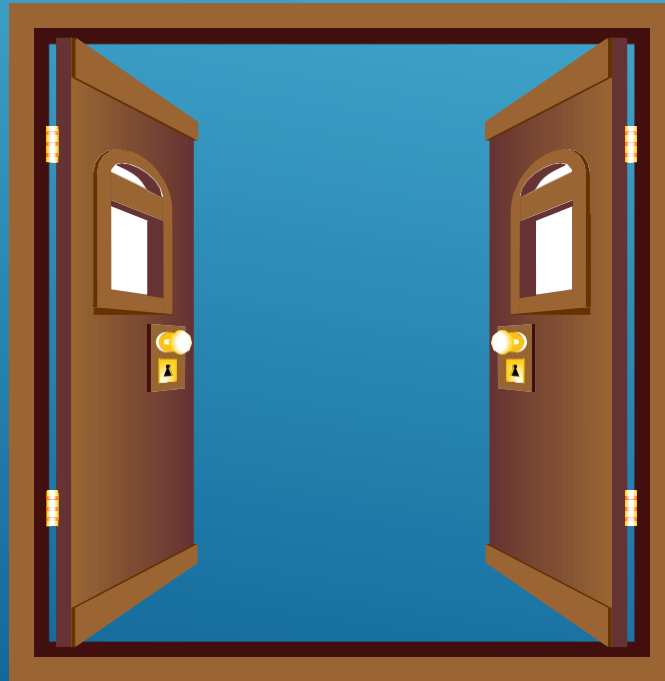
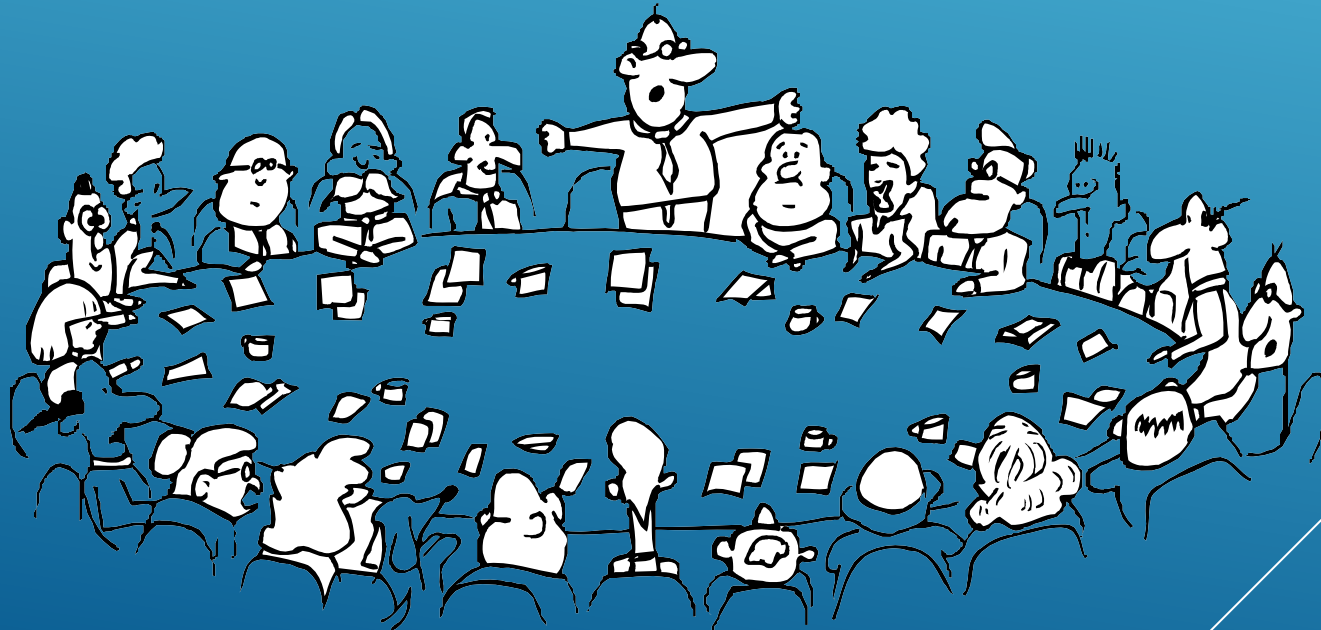


OPEN AND PUBLIC MEETINGS ACT TRAINING



PUBLIC POLICY - §52-4-102

- ❑ Public bodies exist to aid in the conduct of the people's business.
- ❑ Their actions and deliberations should be taken and conducted openly.



BACKGROUND - TRAINING REQUIREMENT- §52-4-104

- ▶ The presiding officer of each public body is responsible to ensure that all members of the public body are provided with annual training on the Open and Public Meetings Act (“OPMA”).



DEFINITIONS - §52-4-103(9)

“Public body” means any administrative, advisory, executive, or legislative body of the state or its subdivisions that:

1. is created by the Utah Constitution, a statute, rule, ordinance, or resolution;
2. consists of two or more persons;
3. expends, disburses or is supported in whole or part by tax revenue; and
4. is vested with the authority to make decisions regarding the public's business.

DEFINITIONS - §52-4-103(11)

“Quorum” means a simple majority of membership of a public body, unless otherwise defined by applicable law.



DEFINITIONS - §52-4-103(6)

- ❑ “Meeting” means the convening of a *public body*, with a *quorum* present, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.
- ❑ Includes a workshop or executive session of a public body.
- ❑ Does not mean a chance or social meeting.



NOTICE REQUIREMENTS - §52-4-202(1)-(3)

- ❑ Annual public notice of the date, time, and place of regularly scheduled board meetings.
- ❑ At least 24 hour public notice of the agenda, date, time and place of each of its meetings.
- ❑ The 24 hour public notice is satisfied by:

1. posting a notice:
 - (a) at City Hall; and
 - (b) online at the Utah Public Notice Website (§ 63F-1-701).
2. providing notice to at least one newspaper of general circulation or to a local media correspondent. (This requirement is met if the public body posts notice on the Utah Public Notice Website under § 63F-1-701(4)(d)).

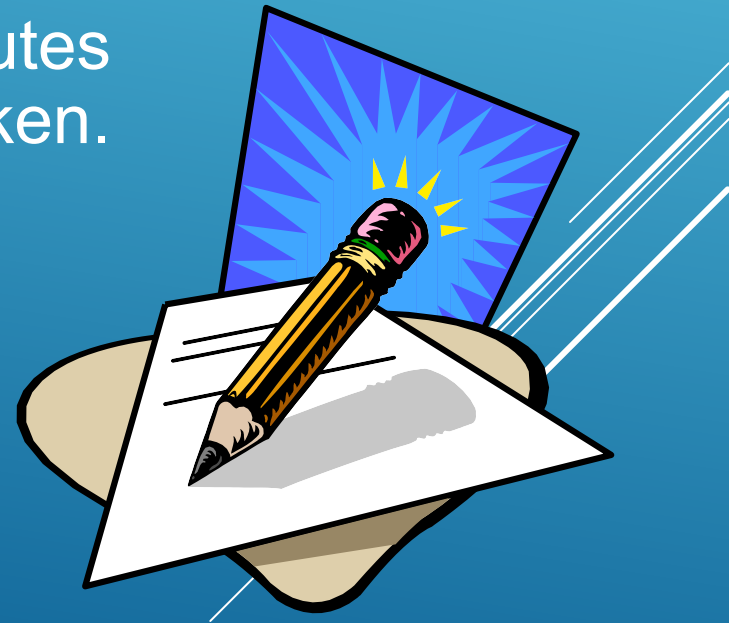


AGENDA REQUIREMENTS - §52-4-202(6)

- ❑ A public notice that is required to include an agenda must be specific enough to notify the public as to the topics to be considered at a meeting.
 - ❑ Except for emergency meetings, a public body may not consider a topic that is not listed under a properly noticed agenda.
 - ❑ A topic not included on an agenda that is raised during an open meeting may be discussed but no final action may be taken at that meeting.
- 
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MINUTES AND RECORDINGS OF OPEN MEETINGS - §52-4-203

- ❑ Except for site visits and field tours, written minutes and recordings must be kept of all open meetings.
- ❑ Pending minutes and recordings are public records, but approved minutes are the official record of action taken.
- ❑ Anyone in attendance can make their own recording unless it interferes with the conduct of the meeting.



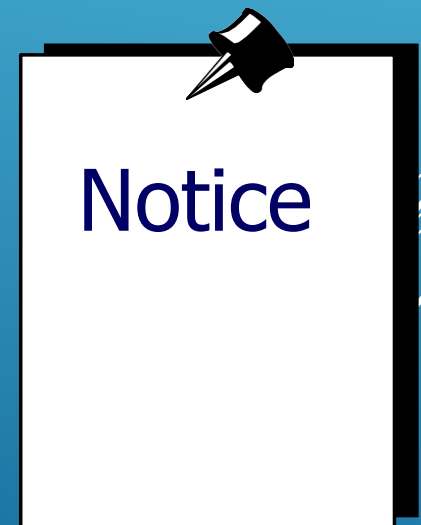
MINUTES AND RECORDINGS OF OPEN MEETINGS - §52-4- 203(2)

Written minutes and recordings must include:

- a. the date, time and place of the meeting;
- b. the names of members present and absent;
- c. the substance of all matters proposed, discussed, or decided;
- d. a record by individual member, of votes taken;
- e. the name of each person who is not a member who provided testimony;
- f. the substance of any testimony or comments by the public; and
- g. any other information any member requests to be entered.

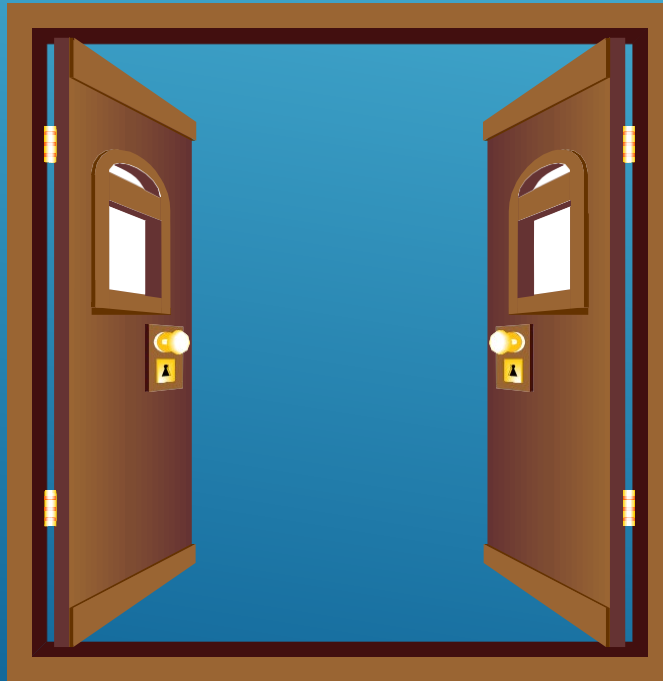
EMERGENCY MEETINGS - §52-4-202(5)

- ❑ When due to unforeseen circumstances it is necessary for a public body to hold an emergency meeting to discuss matters of an emergency or urgent nature, the notice requirements may be disregarded and the best notice practicable given.
- ❑ Before such a meeting is held an attempt must be made to notify all of its members and a majority must vote in favor to hold such a meeting.



GENERAL RULE - §52-4-201(1)

Every meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.



CLOSING A MEETING - §52-4-204

Closed meetings are never required, but may be held provided:

- a. a quorum is present;
- b. two-thirds of the members in a properly noticed open meeting vote to close the meeting;
- c. the only matters discussed in the closed meeting are those permitted in Section 52-4-205; and
- d. no ordinance, resolution, rule, regulation, contract or appointment is approved in the closed meeting.



NO ADMITTANCE

CLOSING A MEETING - §52-4-205

The purposes for closing a meeting include:

- discussion of the character, professional competence, or physical or mental health of an individual;
- strategy sessions to discuss pending or reasonably imminent litigation;
- deployment of security personnel, devices, or systems; and
- investigative proceedings regarding allegations of criminal misconduct.
- to discuss the purchase or sale of real property.



NO ADMITTANCE

CLOSING A MEETING - §52-4-204(4)

The following must be publicly announced and entered on the minutes the open meeting:

- the reason or reasons for holding a closed meeting;
- the location where the closed meeting will be held; and
- the vote by name, of each member of the public body, either for or against the motion to hold a closed meeting.



NO ADMITTANCE

RECORD OF CLOSED MEETINGS - § 52-4-206(3)

- ▶ The recording and any minutes of a closed meeting must contain:
 - ❑ the date, time, and place of the meeting;
 - ❑ the names of members present and absent; and
 - ❑ the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
- 
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RECORD OF CLOSED MEETINGS - SWORN STATEMENTS - §52-4-206(6)

- ❑ Instead of a recording, a sworn statement is required from the person presiding at a meeting if a public body closes a meeting exclusively for the purpose of:
 - discussing character, professional competence, or physical or mental health of an individual; or
 - discussing the deployment of security personnel, devices, or systems.

DEFINITIONS - §52-4-103

- ❑ “Electronic meeting” means a public meeting convened or conducted by means of a conference using electronic communications.
- ❑ “Anchor location” means the physical location from which an electronic meeting originates or the participants are connected.
- ❑ “Participate” means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

ELECTRONIC MEETINGS - §52-4-207(2)

A public body may not hold an electronic meeting unless it has adopted a resolution, rule, or ordinance governing the use of electronic meetings. See Millcreek Code 2.04.115 for City Council. The Planning Commission is not allowed to hold them.



- ☐ Same notice requirements as a regular meeting but it must include how members will be participating and facilities must be made available at the anchor location for the public to participate.

DISRUPTIVE BEHAVIOR AT A MEETING - §52-4-301



- ❑ A public body may remove any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.
- ❑ Such a removal does not constitute closing the meeting.

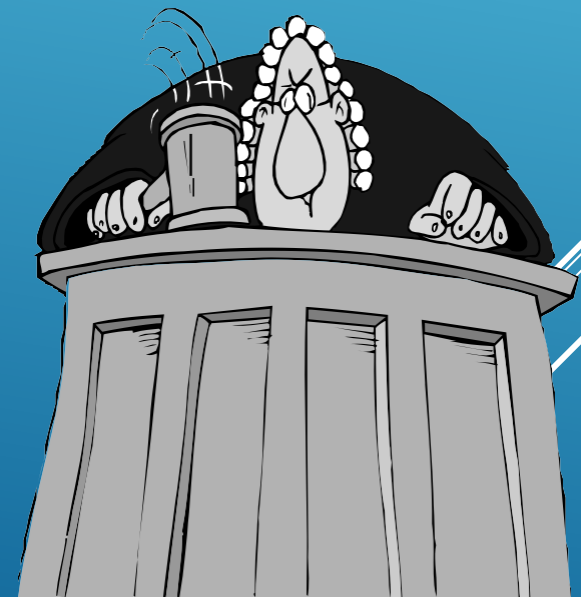
VOIDING A PUBLIC MEETING - §52-4-302

- ❑ Final action in a meeting held in violation of the requirements for open, emergency, and electronic meetings is voidable in court.
- ❑ A lawsuit to void any final action must be filed within 90 days after the date of the action.



CRIMINAL PENALTY FOR CLOSED MEETING VIOLATION - §52-4-305

A knowing or intentional violation or aiding or advising another to violate the closed meeting provisions of the OPMA is classified as a class B misdemeanor.



- ▶ Powerpoint created by the Utah Department of Commerce and edited by Millcreek staff for training purposes.