

# OPEN AND PUBLIC MEETINGS ACT

U.C.A. TITLE 52 CHAPTER 4



Presented By:  
Tracy Cowdell  
Taylorsville City Attorney's Office

## ROADMAP

WHAT WILL WE BE TALKING ABOUT TODAY?

- Purpose of the Act
- Definitions
- General Rule
- Notice
- Agenda
- Minutes & Recordings
- Closed Meetings
- Electronic Meetings
- Final Notes



## PURPOSE OF THE ACT

U.C.A. § 52-4-102

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



## DEFINITIONS

- **Public Body:** Any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

1. Is created by the Utah Constitution, statute, rule, ordinance, or resolution
2. Consists of two or more people
3. Expends, disburses, or is supported in whole or in part by tax revenue
4. Is vested with the authority to make decisions regarding the public's business

U.C.A. § 52-4-103(9)(a)

## DEFINITIONS

■ **Meeting:** The convening of a public body . . . for the purpose of discussing, receiving comments from the public concerning, or acting upon a matter over which the public body has jurisdiction or advisory power. U.S.C. § 52-4-103(6)(a).

- Must have a **quorum** present – majority
- May be in person or via electronic meeting
- Includes a workshop or executive session
- Does **NOT** include a chance or social meeting.



## GENERAL RULE

U.S.C. § 52-4-201(1)

Every meeting is open to the public unless closed in accordance with the following statutes:

§ 52-4-204: Closed Meetings Held upon Vote of Members

§ 52-4-205: Purposes of Closed Meetings

§ 52-4-206: Record of Closed Meetings



## NOTICE

U.C.A. § 52-4-202(1)-(3), (5)

- At least **24 hours** public notice for each of the public body's meetings.
  - Agenda
  - Date
  - Time
  - Place
- **24-Hour Notice** is satisfied by posting a notice at the principal office of the public body' AND
  - Posting the notice online on the Utah Public Notice Website AND
  - Providing notice to at least one newspaper of general circulation or to a local media correspondent by means other than the notice website
- **Annual Public Notice**
  - Must give public notice of the annual meeting schedule at least once each year.
- **Notice for Emergency Meetings**



## AGENDA

§52-4-202(6)

- 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** raise and consider a topic that is not listed under a properly noticed agenda.
- However, a topic not included on an agenda that is **raised by the public** during an open meeting may be discussed, but no final action may be taken at that meeting.

## MINUTES AND RECORDINGS

§52-4-203

- **Written minutes and recordings MUST be kept for all open meetings.**
  - Not for site visits
  - Not for a traveling tour
- **Public Record**
- **The minutes are the official record**
- **Anyone in attendance can make their own recording.**
  - No interference with conduct



## MINUTES

§52-4-203(2)

- **Date, time, & place**
- **Names of members who are present and absent**
- **Substance of all matters proposed, discussed, or decided**
- **Record of each vote taken**
- **Name of each nonmember who provides testimony/comment**
  - Substance of testimony or comments
- **Any other information that any member requests to be entered into the minutes or recording.**

## RECORDINGS

§52-4-203(3)

- **Complete and unedited record**
- **Properly labeled**
  - Date
  - Time
  - Place

## MINUTES AND RECORDINGS PUBLIC RECORD

§52-4-203(4)

- **Pending Minutes**
  - Clear indication of pending status
  - Available to the public within 30 days after meeting
- **Approved Minutes**
  - Made available to public within 3 business days
  - Posted on website
  - Copy available at primary office
- **Audio Recordings**
  - Made available to public within 3 business days
- **Electronic Materials**
  - Must be included in the public record
- **Permanent Retention**
- **Criminal Penalty for Improper Maintenance**

## CLOSED MEETINGS

§52-4-204

- Quorum
- 2/3 vote to approve closing a meeting
- Permissible matters listed in § 52-4-205
- No approving ordinances, resolutions, rules, regulations, contract, or appointment.
- Publicly Announce and Enter into Minutes
  - Reason for closed meeting
  - Location
  - Vote
- Criminal Penalties for Violations



## CLOSED MEETING RECORDS

§ 52-4-206

- Must make a recording
- May take detailed written minutes
- Must be complete and unedited
- Must include:
  - Date, time, and place
  - Names of members who are present and absent
  - Names of all others present
- Sworn statement instead of recording



## ELECTRONIC MEETINGS

§52-4-207

- Definitions
  - Electronic Meeting
  - Anchor Location
  - Participate
- Electronic meetings are permissible
- Adopted a resolution, rule, or ordinance governing electronic meetings.
- Public notice
- Notice to public body members
- Provide space and facilities



## A FEW FINAL NOTES...

- Reasonable Accommodations
- Disruptive Behavior
- Voiding a Public Meeting
- Action Challenging Closed Meeting
- Enforcement of Act

QUESTIONS?