

**Open and Public Meetings Act Training**  
**Carbon Water Conservancy District - October 2026**

**Purpose of Open and Public Meetings Act**

Public bodies are to take their actions and deliberations openly (U.C.A. 52-4-102)

**Meeting Agenda**

Agenda must “provide reasonable specificity to notify the public as to the topics” (U.C.A. 52-4-202(6)(a))

Notice is to be given as follows: (1) to be published on the Utah Public Notice Website; (2) posted where the meeting will be held; and (3) to at least one newspaper of general circulation within the geographic jurisdiction in the area where the meeting is to take place

A public body shall not give less than 24 hours notice of the meeting, meaning the agenda needs to be finalized, posted online, and distributed to local media. (U.C.A. 52-4-202(1))

Meeting agenda need not state that a closed session may occur

A topic raised by a member of the public may be discussed during an open meeting, even if not on agenda, but no action may be taken on the topic if not on agenda (U.C.A. 52-4-202(6)(b) and (c))

Who may place an item on an agenda? Not governed by the Open and Public Meetings Act. Typically, any board member may do so. The public is not entitled by law to place items on the agenda.

What items should go on the agenda?

Tasks that the Board is statutorily required to take care of;

Approvals of contracts and other procurements;

Resolutions, formal decisions and recommendations;

Policy statements and policy positions;

Workshops/discussions at which information you may later take action on is presented to you at your invitation, or at which an issue is to be discussed or studied in depth.

## Meetings - U.C.A. 52-4-1-3

Definition: "Meeting" means a gathering:

- (a) of a public body or specified body;
- (b) with a quorum present; and
- (c) that is convened:
  - (i) by an individual
    - (A) with authority to convene the public body; and
    - (B) following the process provided by law for convening the public body;
  - and
  - (ii) for the express purpose of acting as a public body or specified body to:
    - (A) **receive public comment** about a relevant matter;
    - (B) **deliberate** about a relevant matter; or
    - (C) **take action** upon a relevant matter. (U.C.A. 52-4-103(5))

Definition: "Relevant matter" means a matter that is within the scope of the authority of a public body or specified body. Relevant matter does **not** include, for a public body with both executive and legislative responsibilities, a **managerial or operational** matter. (U.C.A. 52-4-103(11)).

Rule of thumb: Does the decision affect how the public or other entities deal with the governmental entity? If so, the decision should be made during an open and public meeting.

Warning: Just because no formal action is being taken does not mean that an item does not need to go on an agenda

Warning: Convening a meeting at the request of another agency is generally still a meeting subject to the provisions of this code.

## No "pre-meeting meetings" allowed - U.C.A. 52-4-2-208

**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.**

## Emergency Meetings

Emergency meetings may be held to cover matters "of an emergency or urgent nature" that arise because of "unforeseen circumstances". Even so, they require the "best notice practicable" of the time and place of the meeting to have the discussion and the topics to be

considered. An attempt must be made to notify the members of the Board, and a majority of all members must approve of having the meeting. Emergency meetings are still open and public meetings subject to all other provisions of this code. An emergency meeting is not the same as an electronic meeting.

### **Electronic Meetings (U.C.A. 52-4-207)**

A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings. (U.C.A. 52-4-207(2))

An electronic meeting means any meeting where some **or all** participants attend through an **electronic video, audio or both video and audio** connection. (U.C.A. 52-4-207(1)).

**Meeting may not be conducted via email, instant messaging, text messaging, or chat.**

It presupposes that there will be an anchor location and "space and facilities" for members of the public to attend the open portions of the meeting (see 52-4-207(4)(b)), BUT an electronic meeting may be held without an anchor location if the chairman determines that conducting the meeting with an anchor location presents "a substantial risk to the public for health or safety reasons." (U.C.A. 52-4-207(5)(a)).

Still requires notice and access to the public. (52-4-207(3)(a))

Must give instructions for connection to the meeting at least 24 hours before the electronic meeting is scheduled to begin (52-4-207(3)(b))

### **Closed Meetings**

Can't go into to a closed session without first starting in a properly noticed open and public meeting.

A two-thirds vote of the members present is required to go into a closed session. The motion to go into the closed session must include the statutory reasons for holding the closed meeting. (U.C.A. 52-4-204(1)(a)(iii)(A))

Closed meetings must be recorded and unedited and the recording stored in perpetuity UNLESS it is to discuss a matter of the character or competency of an individual, in which case the presiding authority (the chairman) shall make an affidavit certifying that fact

Cannot approve any resolution, rule, regulation, contract or appointment in a closed session, except for a vote to end the closed portion of the meeting, which only needs a majority vote.

Statutory reasons for going into a closed session include the following:

- i. To discuss the character, professional competence, or physical or mental health of an individual - this is not limited to employees - this is often incorrectly described as a "personnel issue" - not all personnel issues involve character, competence or health, and many such issues can be dealt with administratively;
- ii. Strategy session for pending or reasonably imminent litigation;
- iii. Strategy sessions for the purchase, sale, exchange, lease of real property (including water shares), if discussion would prevent the public body from completing the transaction on the best possible terms or disclose value of the property;
- iv. The deployment of security personnel, devices, or systems;
- v. Investigative proceedings regarding allegations of criminal misconduct
- vi. A meeting of the Colorado River Authority of Utah to discuss negotiations with the Federal government or to discuss pending litigation

A judge may review an allegation that a meeting was closed illegally by reviewing the minutes of the closed meeting in camera. If the judge determines that the meeting was closed illegally, the judge shall publicly disclose all information from the portion of the meeting that was closed illegally. (U.C.A. 52-4-304)

### **Minutes and Recordings of Minutes**

Minutes are to be kept of all open and public meetings

Minutes should include:

- (i) The date, time and place of meeting;
- (ii) A record of all Board members attending;
- (iii) The substance of all matters discussed, proposed, or decided by the public body (this may include a summary of comments made by members of the public body);
- (iv) A record by individual name of each vote taken;
- (v) The name of each person recognized by the presiding member of the body who was allowed to provide testimony or comments to the public body, and brief summary of those comments; and
- (vi) Any other information that is a record of the proceedings that any member requests to be entered in the minutes or the recording.

Pending minutes are subject to GRAMA and should contain a disclosure that they are pending minutes and are subject to change until approved by the public body (U.C.A. 52-4-203(4)(b) and (c)).

Pending minutes are to be made available within "a reasonable time" after the meeting

Approved minutes are to be made available within 3 days after being approved

A link is to be provided from the state public notice website to a website where approved meeting minutes can be found as well as any public materials distributed at the meeting

### **Audio Recordings**

Recordings of all open portions of the meeting are to be kept and labeled as to date, time and place

Recordings are to be "maintained or converted to a format that meets long term storage requirements"

Audio recordings of open portions of the meeting are to be made available within 3 days after the meeting

An audio recording is not required for a site visit if no action is taken on the visit

### **Miscellaneous**

A person may be removed from a public meeting "if the person willfully disrupts the meeting to the extent that orderly conduct is compromised." U.C.A. 52-4-301

A "final action" taken in violation of the Open and Public Meetings Act is voidable by a court if taken within 90 days of the action. **Attorney fees may be awarded to a plaintiff who successfully wins a suit to void a final action.** U.C.A. 52-4-302

Knowingly violating this Act is punishable as a Class B misdemeanor. U.C.A. 52-4-305