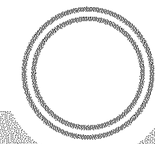
Open and Public Meetings Act



State law requires annual training

U.C.A. §52-4-104

Public Policy Behind Open and Public Meetings Act

- Cities exist “to aid in the conduct of the people’s business”
- Cities must take their actions openly
- Cities must conduct their deliberations openly

What is a Meeting?

"'Meeting' means the convening of a public body with a quorum present, ... 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."

U.C.A. §52-4-103(5)

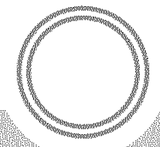
“Meeting” includes …

- Workshops
- Executive Sessions
- Site Visits
- Traveling Tours

“Meeting” does not include …

- Chance gatherings
- Social gatherings

General Rule - Meetings are Open



- Meetings are open to the public unless closed in accordance with the Act

U.C.A. §52-4-201

Closed Meeting – When Allowed

- A quorum is present in an open meeting
- 2/3 of the Council members present vote to approve closing the meeting
- The following information is publicly announced and entered into the minutes:
  - The reason or reasons for holding the closed meeting;
  - The location of the closed meeting; and
  - The vote by name of each Council member for or against the motion

Closed Meeting – When Not Allowed

- To discuss any matter that is not the proper subject of a closed meeting
- To approve an ordinance, resolution, rule, regulation, contract or appointment
- To interview a person applying to fill an elected position
- To discuss filling a midterm vacancy
- To discuss the character, professional competence, or physical or mental health of a person applying to fill a midterm vacancy

A closed meeting may only be held for:

- Discussion of the character, professional competence, or physical or mental health of individual;
- Strategy sessions to discuss:
  - Collective bargaining
  - Pending or reasonably imminent litigation
  - Purchase, exchange or lease of real property
  - Sale of real property

A closed meeting may only be held for: (cont.)

- Discussion regarding deployment of security personnel, devices, or systems; and
- Investigative proceedings regarding allegations of criminal misconduct.

Non-Agenda Items

- A topic raised by the public may be discussed during an open meeting, but the City Council may not take final action on the topic at the meeting, unless it is an emergency meeting.

Electronic Messages

- O.K. for Council Members to send electronic messages to other Council Members when City Council not in session (U.C.A. §52-4-210).
  - However …

    Council Members should not send electronic messages to each other during a meeting.

    Council Members should remember that electronic messages sent to other Council Members will probably be public records under a GRAMA request. (Don’t delete electronic messages involving City business.)

Electronic Meetings

- At least one Council member shall be present at the anchor location (Council Chambers)
- Before opening the meeting, the Mayor shall ensure that those participating electronically are prepared to go forward
- Prior to taking a vote on any issue, the Mayor shall inquire of those participating electronically if they have been able to adequately monitor the discussion and shall allow them to make comments

Notice Requirements

- Public notice of annual meeting schedule
- Not less than 24 hours public notice of each meeting
  - Notice includes agenda, date, time and place of meeting
  - Public notice satisfied by:
    - Posting at City offices
    - Posting on Utah Public Notice Website
    - Providing notice to at least one newspaper of general circulation or a local media correspondent

Emergency Meetings

- No emergency meeting unless:
  - An attempt has been made to notify all Council members
  - A majority of the Council members approve the emergency meeting
- 24 hour public notice requirements may be disregarded if:
  - Unforeseen circumstances make it necessary to hold an emergency meeting to consider matters of an emergency or urgent nature
  - The best notice practicable is given of the time, place and topics to be considered

New in 2015

- S.B. 169 – effective 2014
- The City Council "shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record."
- .
- H.B. 45 – effective 2015
- The City Council may fine or expel a Council member from an open public meeting, following a 2/3 vote for:
  - - disorderly conduct at the open public meeting;
  - - a member's direct or indirect financial conflict of interest regarding an issue discussed or action proposed at the open public meeting; or
  - - a commission of a crime during the open public meeting.

Roll Call Votes – when required

- Any ordinance
- Any resolution
- Any action which creates a liability against the City
- Whenever requested by a Council member

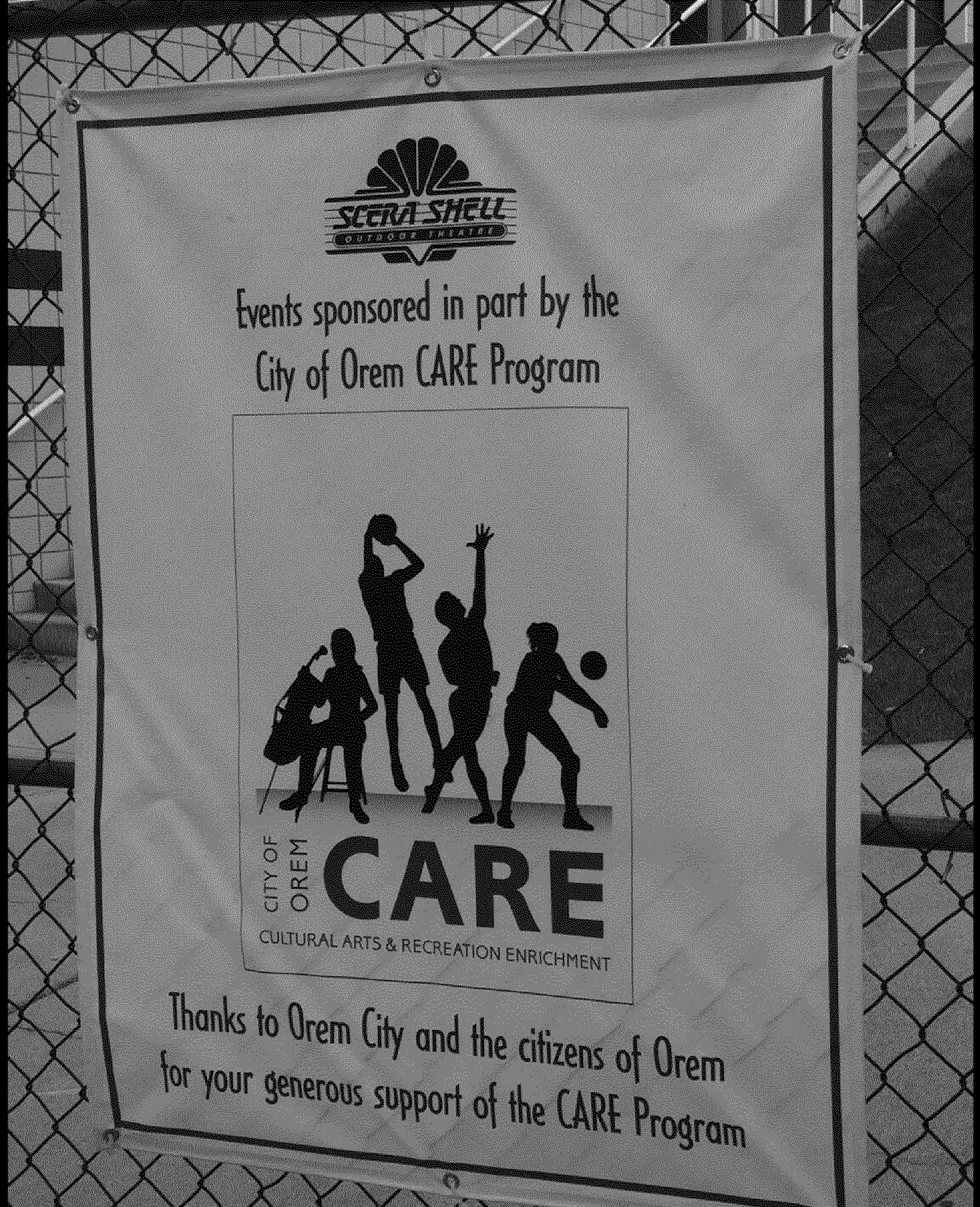
U.C.A. §10-3-506

1933 - 2015

82 Years!

1984 - 2015

31 Years!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CELEBRATING 80 YEARS
CAPTAIN
AMERICA 2
SCERA SHELL
ON SALE

EXIT
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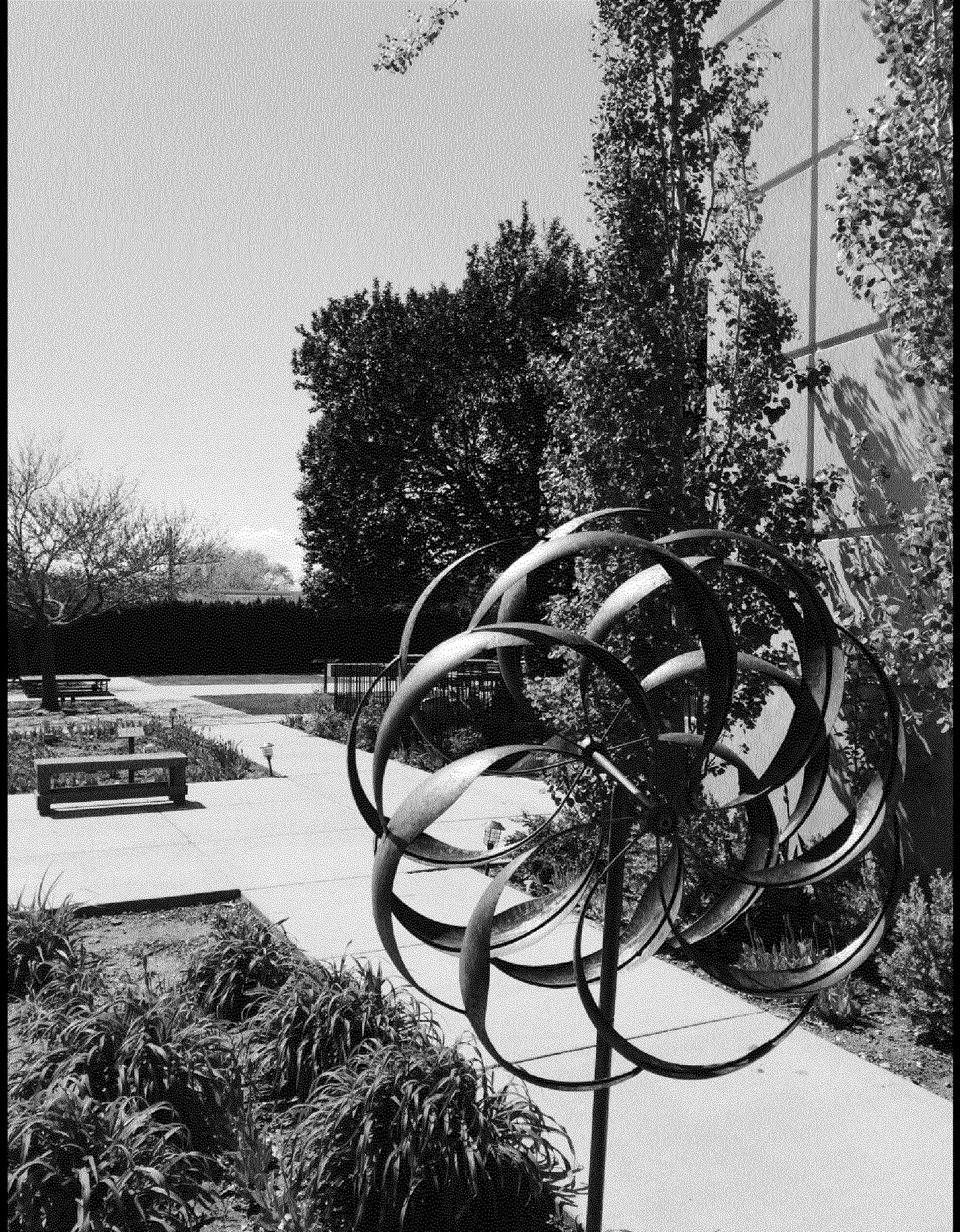

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CRAZY FOR YOU
July 31-August 15

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America's Premier Acappella Group
Memorial Day, May 25

SERGIO MENDES & BRASIL 2015
June 22

THE JETS WITH SPECIAL GUEST DEBBIE GIBSON
July 20

NATHAN PACHECO WITH UTAH VALLEY SYMPHONY
August 17

Country Music Superstar
CLAY WALKER
August 28

ARRIVAL FROM SWEDEN: THE MUSIC OF ABBA
Labor Day, September 7

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1984-2015

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