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## Purpose of the Open and Public Meetings Act

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

Utah Code ANN. § 52-4-102.



## The Rule Is....

- Meetings are open to the public.

## What is a Meeting?

- The convening of a **public body** with a **quorum** present to discuss, receive comment, or act on a matter under its jurisdiction or advisory power.

Utah Code ANN. § 52-4-103(6).

## What is NOT a Meeting?

- A chance gathering
- A Social Gathering (holiday party, ribbon cutting)

Utah Code ANN. § 52-4-103(6) (b).



## Common Violations

1. Conducting a closed meeting for reasons other than those allowed by the act.
2. Closing a meeting without first voting on a motion to close an open meeting.
3. Taking an official or final action in a closed meeting.
4. Failing to provide proper and adequate notice of a public meeting.
5. Taking action on an item not listed on the agenda.





## A Meeting May Be Closed For:

- Discussion of a persons' character, professional competence, or physical or mental health
- Discussion of security personnel, devices or systems
- Investigative proceedings regarding allegations of criminal misconduct
- Strategy sessions for pending/imminent litigation
- Strategy sessions for collective bargaining
- Strategy sessions to discuss purchase, exchange, lease or sale of real property, if public discussion would prevent best terms

**\*\*Public notice of terms and public notice of approval of sale required\*\***

Utah Code ANN. § 52-4-103(6) (b).



## Elements of a Properly Closed Meeting

- A properly noticed public meeting must be held before entering into a closed session
- A quorum must be present
- 2/3 of the members of the public body present vote to approve closing the meeting (optional closed meeting).
- A majority of the members of the public body present vote to approve the closed meeting (for meetings required to be closed).
- The body must publicly announce and enter into the minutes:
  - Reason(s)** for holding the closed meeting
  - Location** where closed meeting will be held
  - Vote **by name** of each member, for and against, on the motion to have a closed meeting

Utah Code ANN. § 52-4-204(1)



## Forbidden in A Closed Meeting

- You may NOT discuss topics outside of the purpose for the closed meeting
- You may NOT take **final action**,, including approving a resolution, rule, regulation, contract or appointment





- At least **24 hours** public notice of the agenda, date, time and place of each meeting
- The 24-hour public notice is satisfied by:
  - Posting a written notice at the principal office of the public body; AND
  - Posting the notice online at the Utah Public Notice Website <http://www.Utah.gov/pmn/index.html>
- Annual public notice of date, time and place or regularly scheduled board meetings must be posted in the same manner



- You may only take final action if the topic is listed on the agenda and part of the advance public notice
- You may discuss a topic raised by the public that is not listed on the agenda, but you may not take final action.





# Other Resources

- Utah Code 52-4-201 through 210

<https://le.utah.gov/>

- FAQ in Your Packet

- Utah League of Cities and Towns

<http://www.ulct.org/research-resources/policy-resources/legal-corner/>

- ✓ Check list

- ✓ In Depth Video