

# Open and Public Meetings Act 2021

[Utah Code](#)  
[Title 52 Public Officers](#)  
[Chapter 4 Open and Public Meetings Act](#)

## Public Policy

- [Section 102](#)

It is the intent of the Legislature that the state, its agencies, and its political subdivisions:

- 1. take their actions openly; and
- 2. conduct their deliberations openly

- [Section 104](#)

The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this Act.

- [Section 201](#)

A meeting is open to the public unless closed.

## What is a meeting?

“Meeting” means the convening of a public body or a specified body, with a quorum present, including a workshop or an executive session, 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 or specified body has jurisdiction or advisory power.

“Meeting” does not mean a chance gathering or social gathering.

## What is a public body?

- **Public body:** means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
  - Is created by the Utah constitution, statute, rule, ordinance or resolution;
  - Consists of two or more persons;
  - Expends, disburses or is supported in whole or in part by tax revenue; and
  - Is vested with the authority to make decisions regarding the public's business.
- **State Workforce Development Board, 35A-1-206**

- State Workforce Development Board, 35A-1-206

## What is a specified body?

- A specified body means an administrative, advisory, executive, or legislative body that:
  - Is not a public body;
  - Consists of three or more members; and
  - Includes at least one member who is:
    - A legislator; and
    - Officially appointed to the body by the President of the Senate, Speaker of the House, or governor

## **Notice of Meetings**

- Public body shall give at least 24 hours public notice of each meeting, regular meetings notice at least once per year
- Specified body shall give at least 24 hours public notice of each meeting held on the capitol hill complex
- Notice requirements:
  - The notice must include the agenda, date, time and place
  - Post written notice at the:
    - Principal office of the public body or specified body, or at the building where the meeting is to be held; and
    - On the Utah Public Notice website; and
  - Provide notice to:
    - At least one newspaper of general circulation within the geographical jurisdiction of the public body; or
    - A local media correspondent.

## Emergency Meetings

Formal notice requirements may be waived if:

- unforeseen circumstances make it necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; **and**
- the public body or specified body gives the best notice practicable of:
  - the time and place of the emergency meeting; and
  - the topics to be considered at the emergency meeting.

An emergency meeting of a public body may not be held unless:

- an attempt has been made to notify all the members of the public body; **and**
- a majority of the members of the public body approve the meeting.

## Minutes of Meetings

- Written minutes and a recording shall be kept of all open meetings.
- Written minutes shall include:
  - The date, time, and place of the meeting;
  - The names of members present and absent;
  - The substance of all matters proposed, discussed, or decided by the public body;
  - The name of each person who:
    - Is not a member of the public body; and
    - Those who provide testimony or comments to the public body.
  - The substance, in brief, of the testimony or comments provided by the public; and
  - Any other information that any member requests be entered into the minutes.
- The Recording shall:
  - Be a complete and unedited record of all portions of the meeting; and
  - Be properly labeled or identified with the date, time and place of the meeting.

## **Making minutes available to the public**

- A public body shall:
  - Require an electronic or hard copy of all presentation materials presented or provided relating to an agenda item.
  - Make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
  - Within three business days after approving written minutes, make the approved minutes available to the public; and
  - Within three business days after holding a public meeting, make an audio recording of the meeting available to the public for listening.

## Closed meetings

- An ordinance, resolution, rule, regulation, contract or appointment may not be approved at a closed meeting
- A meeting may be closed if:
  - A quorum is present
  - The meeting is an open meeting for which notice was given;
  - Two-thirds of the members of the public body present at the meeting vote to close the meeting; and
  - Meets one of the listed valid reasons for closing a meeting.
- If a meeting is closed, the following information shall be publicly announced and entered on the minutes:
  - The reason or reasons for holding the 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 the closed meeting.

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## Approved reasons to Close

- A closed meeting may only be held for:
  - Discussion of the character, professional competence, or physical or mental health of an individual;
  - Strategy sessions to discuss collective bargaining;
  - Strategy sessions to discuss pending or reasonably imminent litigation;
  - Strategy sessions to discuss the purchase, exchange, lease or sale of real property, including any form of a water right or water shares, if public discussion of the transaction would:
    - Disclose the appraisal or estimated value of the property under consideration; or
    - Prevent the public body from completing the transaction on the best possible terms;
    - Sales: the public body previously gave notice that the property would be offered for sale; and
    - The terms of the sale are publicly disclosed before the public body approves the sale;

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## Approved reasons to Close

- A closed meeting may only be held for:
  - Discussion regarding deployment of security personnel, devices, or systems
  - Investigative proceedings regarding allegations of criminal misconduct;
  - For the purpose of discussing specific elements of a procurement process
    - evaluating responses to a solicitation
    - making a decision on a procurement protest or appeal
    - considering information designated as a trade secret

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## **Electronic meetings**

- A public body may hold an electronic meeting if:
  - They have adopted a resolution, rule or ordinance governing the use of electronic meetings
- A public body that conducts an electronic meeting shall:
  - Give public notice,
  - Provide notice of the meetings to members of the body at least 24 hours in advance and a description of how it will be conducted
  - Establish anchor location for public to appear. May provide remote electronic attendance as well.
  - Anchor not required if:
    - location the body would normally meet ordered closed,
    - substantial risk to health or safety of those present, or
    - during meet chair determines unsafe at anchor location and there is remote electronic attendance option available

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## **Why is it important to follow the Act?**

- [Any final action taken in violation of this Act is voidable by a court.](#)
- [A member could be found guilty of a class B misdemeanor.](#)

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