
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](#)

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.

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;

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

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

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.
