

Open Meetings Training

By Jennifer Moulder

Utah Association of Public Charter Schools



Enid was finally ready to admit that compliance was a bit more complicated than she first thought.

“If one is to use public funds he must accept a responsibility to the public”

- Thomas Francis Jr.



Ravett Call, Deseret News, File

Judge: Mountain Accord subject to open meetings law

By Annie Knox | Posted Jul 11th, 2017 @ 7:04am



SALT LAKE CITY — A court has ruled that a now-defunct organization of ski resorts, transportation managers and local governments planning the future of the Wasatch Front canyons is

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Utah calls for crackdown on special-purpose districts at high risk for fraud and abuse

By LEE DAVIDSON | The Salt Lake Tribune

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“Auditors also tested 50 randomly selected entities and found that 33 did not submit budgets to the state auditor within required deadlines, if at all; 22 were not complying with open meetings law requirements to post their agendas on the state's public notice website; and just a few complied with requirements to post contact information for board members.”

Do the Business of the public in Public

Anytime you have a quorum of board members discussing the school it needs to have been noticed or you should separate

- Hallways at school
- Group emails, Online collaboration
 - Social Gatherings
 - Code vs. Perception

Personal Emails

- You can choose to use personal emails for communications. However, be aware of what this means for you as a board member
 - All emails are subject to GRAMA
 - Anyone can ask for a copy of your emails
 - While you can choose to only send them what you think is appropriate, they will likely feel that you are withholding from them.
 - Life is much simpler if you do school business through school email
 - School email records **MUST** be maintained. Most personal emails accounts are not used correctly.

How to Notice a Meeting

- Post the meeting with at least 24 hours notice on the PMN
- Post items to be discussed with “reasonable specificity”
- Have at least 2 individuals with pmn.utah.gov poster access
- Post on PMN and at the school. I strongly suggest your school website as well. (If there is no school building yet, then where the meeting will be held)
- Newspaper requirement
- Post your annual schedule. Your school website is a good option
- You can hold an emergency meeting without 24 hour notice, but it must be for unforeseen circumstances

The Meeting Itself

- You must have a quorum present in order to vote.
- You can only vote on noticed action items.
- Discussion should be held in a committee on items before a final proposal is brought to the board. This allows the committee to get a general feeling or research possible questions before bringing a final proposal. Well implemented committees will drastically improve board efficiency.

Electronic Meetings

- You must have an electronic meetings policy to hold an electronic meeting
 - Review Utah code 52-4-207 to ensure compliance
 - Online collaboration tools are allowed for charter schools, but have very detailed restrictions
- You must have an anchor location available for the public to attend and make public comment
- You must include the method and details of electronic connection on the agenda

When can you close a Public Meeting?

- The character, competence, or mental/physical health of an **INDIVIDUAL**
- Strategy sessions to discuss pending or eminent litigation
- Strategy sessions to discuss purchase/lease/sale of real estate
- Discussions of security personnel, devices or systems
- Investigative proceedings of criminal misconduct
- **NOT** to interview a candidate for an elected position
- **NOT** to review contracts
- **NOT** to avoid difficult or unflattering discussions
- Closed meetings violations are a Class B Misdemeanor

How to Enter a Closed Meeting

- A motion must be made to close a meeting, seconded and voted upon.
- The votes, by individual name must be recorded (Roll Call)
- You must state the reason for closing the meeting
- State who is participating in the closed session. Typically the board but you can invite anyone to join you that you agree upon.

Closed Meetings

- Recordings and minutes of closed sessions can only be requested by a court order. (Stop and restart the recorder as you enter closed session)
- You must vote to reopen the meeting.
- Any actions resulting from the closed session must be voted on an open session. For example “I move that we discharge (Name) for reasons discussed in closed session”
- Items from closed sessions are to be kept confidential and cannot be discussed outside of the meeting itself.

What if you made a mistake?

- If an error was made in posting, reschedule the meeting or try to have discussion and not actions
- If an error was made in an agenda action item, revote at your next meeting with proper notice
- With most situations, do it over again correctly. If this is frequent, someone is going to raise questions.

Minutes

- Include descriptions of matters discussed
- Names of individuals speaking and in attendance
- Individual votes by name (not unanimous)
- Any additional information requested by a member of the board or any presentation given in electronic format.

Minutes

- Minutes must be approved within a reasonable time frame, and available to the public within 3 days after having been approved.
- Audio recordings must be made available to the public within 3 business days.
- Document any trainings received
- **Have a document storage plan**

Resources

- UAPCS Resource library
- USOE School resources
 - The Open Book

<http://risk.utah.gov/forms/documents/SolOpenMeetingBook.pdf>

- The Open and Public Meetings Act

http://le.utah.gov/xcode/Title52/Chapter4/C52-4_1800010118000101.pdf

- UAPCS Mentoring and Training Program

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