

# Open and Public Meetings Act – Quick Summary\*

## Utah Code Title 52, Chapter 4

### Open Government

- Government exists to aid in the conduct of the people’s business
- Government must take actions openly
- Government must deliberate openly

### Public Body

- Body created by law, rule, or resolution; two or more persons; supported in whole or part by tax revenue; and has authority to make decisions regarding the public’s business
- Public body does not include a political party, group, or caucus, and does not include the “rules committee” or a conference committee
- Specified body is not a public body but has at least three members, one of whom is a legislator (S.B. 113)

### Meeting

- Convening of a public body with a quorum present for matters under the body’s jurisdiction or advisory powers
- All meetings are open to the public unless closed in accordance with the act
- Electronic information presented by an individual on an item on an agenda shall be provided to become part of the public record (S.B. 169)

### Public Notice of Meetings

- Not less than a 24-hour public notice is required (agenda, date, time, and place) – a 24-hour notice is required for meetings of specified bodies meeting on the Capitol Hill Complex
- Post the notice:
  - with the principal office of the public body
  - on the Utah Public Notice website
  - with at least one newspaper or local media correspondent
- Agenda must include topics with reasonable specificity to notify the public
- No final action can be taken on a topic not listed on the posted agenda

\* This document is a summary of key provisions. See the specific provisions of the act for additional details.

## Meeting Minutes

- Written minutes and an audio recording must be kept of all open meetings
- Written minutes must include: date, time, and place; members present and absent; record of votes; names of people providing comments and a short summary of comments; and other information regarding what occurred, as requested by a member
- Minutes must be approved by the public body, and pending minutes must be available within 30 days of the meeting (if it is a state public body)
- Recording must be complete, unedited, and properly labeled and available to the public within three days of the meeting

## Emergency Meetings

- The 24-hour notice may be disregarded for an emergency meeting
- Must give the best notice practicable, including time, place, and topics to be considered
- Must attempt to notify all members
- Majority of members must approve holding the emergency meeting

## Closed Meetings

- May only be held for certain specified items and, in most cases, requires a 2/3 vote to close
- A quorum must be present to hold a closed meeting
- Permitted closed meeting topics include: discussion of character, professional competence, or health of an individual; strategy sessions for collective bargaining, litigation, water rights, or sale of real property; security and criminal misconduct; certain ethics complaints; trade secrets (S.B. 179); and certain procurement information (S.B. 179)
- A recording must be kept of a closed meeting with some exceptions

## Electronic Meetings

- A meeting convened through electronic media may only be held if the public body has adopted a rule or ordinance governing the use of electronic meetings (the Utah Legislature has adopted a rule -- see Interim Rule 3-1-105)
- For the Utah Legislature, the rule requires that a member be more than 50 miles away from the anchor location and requests the chair's permission at least three days before the meeting
- The chair must then determine if sufficient equipment and connections are available to allow remote participation and must also obtain permission from the President of the Senate and the Speaker of the House to hold an electronic meeting