

Open and Public Meetings Act

Title 52, Chapter 4, Utah Code

2009 Training* -- Summary of Key Provisions

- **Purpose:** State and Local agencies exist to conduct the people's business, which must be done openly (*Section 52-4-102*)
- **Public Notice:** Not less than 24 hours public notice must be given for each meeting. The public notice must:
 - include the date, time, and place of the meeting;
 - include an agenda that lists topics to be considered (a topic raised by the public and not listed on the agenda may be discussed but no final action may be taken);
 - be posted at the principal office (or if none, at the building where the meetings is to be held);
 - be posted on the Utah Public Notice Website; and
 - be provided to a newspaper or local media correspondent (*Section 52-4-202*)
- **Minutes and Recordings:**
 - written minutes and a recording must be kept of all open meetings (recordings are not required for site visits)
 - written minutes must be:
 - available to the public within a reasonable time;
 - approved by the public body;
 - considered public when prepared in a form awaiting only formal approval; and
 - identified as "unapproved" before approval; and
 - a recording of an open meeting must be available to the public within three business days (*Section 52-4-203*)
- **Definitions:**
 - **Meeting** = Convening of a public body with a quorum present to discuss or act on a matter under its jurisdiction or advisory power
 - **Public Body** = Any administrative, advisory, executive, or legislative body that is:
 - created by constitution, law, rule, or resolution;
 - supported in whole or in part by tax revenue; and
 - vested with the authority to make decisions regarding the public's business (*Section 52-4-103*)
- **Closed Meetings:** A meeting is open to the public unless it is closed by a 2/3 vote with a quorum present at an open meeting
 - The reasons for the closed meeting must be announced and entered into the minutes of the open meeting (*Section 52-4-204*)
 - A closed meeting may only be held for certain specified reasons, including discussion of: a person's character, competence or health; strategy for collective bargaining; pending or imminent litigation; an exchange of real property; security; or investigation of criminal conduct (*Section 52-4-205*)
 - A recording must be kept of the closed meeting, except in limited, named circumstances; written minutes are optional; both are protected records under GRAMA (*Section 52-4-206*)
- **Emergency Meetings:** An emergency meeting may not be held unless an attempt is made to notify all members and a majority votes to approve it; 24 hours notice may be disregarded if unforeseen circumstances cause a need and best practical notice is given (*Section 52-4-202*)
- **Electronic Meetings:** Electronic meetings (by means of electronic communications) may not be held unless the public body has adopted procedures to govern them (*Section 52-4-207*)
- **Penalties:**
 - **Open meetings** - any final action taken in violation of the act is voidable by a court (*Section 52-4-302*)
 - **Closed meetings** - class B misdemeanor for knowingly or intentionally violating closed meeting provisions (*Section 52-4-305*)

*Annual training is required to be provided to members of a public body (Section 52-4-104); this summary includes key changes passed during the 2009 General Session (shown as underlined)