

# Open and Public Meetings Act

## Title 52, Chapter 4, Utah Code

### 2010 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 twenty-four hours prior to each meeting, public notice must be given. 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.
  - 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*)

\*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 2010 General Session (shown as underlined)

- **Closed Meetings:** A meeting is open to the public unless it is closed<sup>1</sup> by a two-thirds vote with a quorum present at the 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 including water rights or shares; security; investigation of criminal conduct; or certain legislative ethics complaint matters. *(Section 52-4-205)*
  - A closed meeting is required for the Health and Human Services Interim Committee or the Child Welfare Legislative Oversight Panel to review a fatality review report and for the Child Welfare Legislative Oversight Panel to review and discuss an individual case *(Section 52-4-205)*
  - A recording must be kept of the closed meeting, except in limited, named circumstances. Written minutes are optional and 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 of the members votes to approve it. Twenty-four hour's notice may be disregarded if unforeseen circumstances cause a need and the 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** - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions. *(Section 52-4-305)*

---

1

- No vote is required to close a meeting for the Independent Legislative Ethics Commission to review an ethics complaint;
- A majority vote is required to close a meeting for an ethics committee of the Legislature to obtain legal advice on legal, evidentiary, or procedural matters or for conducting deliberations on a complaint; and
- A majority vote is required to close a meeting that is required to be closed which includes certain reviews of child welfare reports on the death of a child under Section 62A-16-301. *(Section 52-4-204)*