Part 1
General Provisions

52-4-101 Title.
This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

52-4-102 Declaration of public policy.
(1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people’s business.
(2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
   (a) take their actions openly; and
   (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103 Definitions.
As used in this chapter:
(1) "Anchor location" means the physical location from which:
   (a) an electronic meeting originates; or
   (b) the participants are connected.
(2) "Capitol hill complex" means the grounds and buildings within the area bounded by 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake City.
(3)
   (a) "Convening" means the calling together of a public body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that public body has jurisdiction or advisory power.
   (b) "Convening" does not include the initiation of a routine conversation between members of a board of trustees of a large public transit district if the members involved in the conversation do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation.
(4) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.
(5) "Electronic message" means a communication transmitted electronically, including:
   (a) electronic mail;
   (b) instant messaging;
   (c) electronic chat;
   (d) text messaging, as that term is defined in Section 76-4-401; or
   (e) any other method that conveys a message or facilitates communication electronically.
(6)
   (a) "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 specific body has jurisdiction or advisory power.
   (b) "Meeting" does not mean:
(i) a chance gathering or social gathering;
(ii) a convening of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405; or
(iii) a convening of a three-member board of trustees of a large public transit district as defined in Section 17B-2a-802 if:
   (A) the board members do not, during the conversation, take a tentative or final vote on the matter that is the subject of the conversation; or
   (B) the conversation pertains only to day-to-day management and operation of the public transit district.
(c) "Meeting" does not mean the convening of a public body that has both legislative and executive responsibilities if:
   (i) no public funds are appropriated for expenditure during the time the public body is convened; and
   (ii) the public body is convened solely for the discussion or implementation of administrative or operational matters:
      (A) for which no formal action by the public body is required; or
      (B) that would not come before the public body for discussion or action.
(7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.
(8) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.
(9)
(a) "Public body" means:
   (i) any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
      (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
      (B) consists of two or more persons;
      (C) expends, disburses, or is supported in whole or in part by tax revenue; and
      (D) is vested with the authority to make decisions regarding the public’s business; or
   (ii) any administrative, advisory, executive, or policymaking body of an association, as that term is defined in Section 53G-7-1101, that:
      (A) consists of two or more persons;
      (B) expends, disburses, or is supported in whole or in part by dues paid by a public school or whose employees participate in a benefit or program described in Title 49, Utah State Retirement and Insurance Benefit Act; and
      (C) is vested with authority to make decisions regarding the participation of a public school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.
(b) "Public body" includes:
   (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in Section 11-13-103;
   (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102; and
   (iii) the Utah Independent Redistricting Commission.
(c) "Public body" does not include:
   (i) a political party, a political group, or a political caucus;
   (ii) a conference committee, a rules committee, or a sifting committee of the Legislature;
   (iii) a school community council or charter trust land council, as that term is defined in Section 53G-7-1203;
(iv) a taxed interlocal entity, as that term is defined in Section 11-13-602; or
(v) the following Legislative Management subcommittees, which are established in Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to recommend for employment, except that the meeting in which a subcommittee votes to recommend that a candidate be employed shall be subject to the provisions of this act:
(A) the Research and General Counsel Subcommittee;
(B) the Budget Subcommittee; and
(C) the Audit Subcommittee.
(10) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.
(11) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.
(12) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.
(13) "Specified body":
(a) means an administrative, advisory, executive, or legislative body that:
   (i) is not a public body;
   (ii) consists of three or more members; and
   (iii) includes at least one member who is:
       (A) a legislator; and
       (B) officially appointed to the body by the president of the Senate, speaker of the House of Representatives, or governor; and
   (b) does not include a body listed in Subsection (9)(c)(ii) or (9)(c)(v).
(14) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 25, 2019 General Session
Amended by Chapter 246, 2019 General Session

52-4-104 Training.
(1) 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 chapter.
(2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session