

## Open and Public Meetings Act – 2024 Annual Training

Mitchell F. Park, Legal Counsel, Salt Lake County Council

- 1) Public policy statement: the Council exists to aid in the conduct of the people’s business. The Council should a) take its actions openly, and b) conduct its deliberations openly.
- 2) New definition of meeting: gathering of the Council, with a quorum present, convened by an individual with authority and following the proper legal process, for the express purpose of acting as a public body to receive public comment about, deliberate about, or take action upon a relevant matter.  
“Relevant matter” is a matter that is within the scope of the Council’s authority. Definitions of “not meetings” have been removed from the Act.
- 3) General rule: Council meetings are **open to the public** unless there is a legal basis for closing the meeting.
- 4) Public notice: must contain meeting agenda, date, time, and place, and be published in written form at the Council office and on the Utah Public Notice Website not less than 24 hours before the meeting. Agenda topics must be provided with reasonable specificity.
- 5) Minutes: written minutes and a complete recording must be kept of Council meetings, including a record of votes. Pending minutes must be available to the public within 30 days of the meeting. Approved minutes and meeting materials must be made available 3 days after they are approved. Audio must be made available 3 days after the meeting. The public and media may also record Council meetings.
- 6) Closed meetings: may only be held for specified reasons listed in the Act. Meetings may only be closed if a quorum is present and 2/3 of the Council votes to approve closing the meeting. Ordinances, resolutions, rules, regulations, contracts, and appointments cannot be approved in a closed

meeting. Minutes and a recording of the closed meeting generally must be kept.

- 7) Electronic participation: allowable subject to legal requirements, the adoption of electronic meeting procedures, and the establishment of a physical anchor location that is open to the public where the Council normally meets. Electronic meetings may be held without a physical anchor location under certain circumstances, including emergencies. The conduct of electronic meetings is further governed by Countywide Policy 1037.
- 8) New rule: Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter. Political caucus meetings are *not* meetings of a public body.
- 9) E-mails and texts: the Act does not restrict Councilmembers from transmitting electronic messages to each other when the Council is not convened in an open meeting. GRAMA would still apply to such messages.
- 10) Penalties: the remedy for violations of the Act is a suit to void any nonpublic final action taken by the Council, filed within 90 days. The Attorney General, District Attorney, and private plaintiffs may bring action to enforce or compel compliance. Courts may also review the legality of closed meetings. Attorney fees may be awarded. Knowing or intentional violations of the Act are also punishable by a Class B misdemeanor.

The purpose of this document is to provide Councilmembers annual training on the requirements of the Utah Open and Public Meetings Act, as required by Utah Code Ann. § 52-4-104. This document provides a general overview of the Act's requirements and should not be considered exhaustive. Questions on specific legal issues related to the Act should be directed to legal counsel or the District Attorney's Office.