

Open and Public Meetings Act – 2023 Annual Training

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- 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) Meeting: convening of the Council, with a quorum present, whether in person or electronically, for the purpose of conducting public business within its jurisdiction.
- 3) General rule: Council meetings are open to the public unless there is a legal basis for closing.
- 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. Approved minutes must be provided to the public within 30 days of 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 recording of the closed meeting generally must be kept.
- 7) Electronic meetings: allowable subject to notice requirements and establishment of a physical anchor location that is open to the public and where the Council normally meets. Electronic meetings may be held without a physical anchor location upon written findings of the Chair. Special considerations apply for the conduct of electronic meetings, including roll call votes.
- 8) Chance or social meetings: the Act does not apply to chance or social meetings of Councilmembers, but such meetings may not be used to circumvent the Act.
- 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.
- 10) Penalties: the remedy for violations of the Act is a suit to void any nonpublic final action taken by the Council. 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 publishable 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.