Utah Open and Public Meetings

Utah Code Title 52, Chapter 4

Purposes

- Ensure transparency in government.
- Promote public trust and accountability.
- Allow public access to decision-making processes.

Who Does the Open Meeting Act Apply To?

- All "public bodies“ (52-4-103(7)):
  - City Councils.
  - Boards, Commissions, and Committees vested by law with authority to make decisions regarding the public’s business.
- Individuals constituting a quorum 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 (52-4-208)

What Qualifies as a Meeting?

- "Meeting" defined as (52-4-103(5)):
  - A quorum (majority) present.
  - Lawfully convened by individual with authority to convene (mayor).
  - For the express purpose of acting as a public body to receive public comment about, deliberate about, or take action on, a **“relevant”** matter.
  - Includes in-person, electronic, or hybrid meetings (52-4-207).
- Meetings, including workshops, are open to the public unless closed for a specific and allowed reason (52-4-201).

What is a “relevant” matter?

- “Relevant matter" defined as (52-4-103(11)):
  - A matter that is within the scope of the authority of the public body
  - “Relevant matter” is not a managerial or operational matter.
- A managerial or operational matter should be considered one that is within the scope of the authority delegated to the City Manager pursuant to ICC 2.02.106

Notice Requirements (52-4-202)

- **Public Notice**:
  - Date, time, and place posted at least 24 hours in advance.
  - Agenda with specific topics to be discussed.
- **Posting Locations**:
  - Public body website and Utah Public Notice Website.
  - City Hall.

Agenda Rules (52-4-202)

- Agenda must be clear and specific.
- Only items listed on the agenda may be discussed or acted upon, except that the mayor may allow discussion, but no final action, on a topic raised by the public.
- Reports aren’t discussions but the topic should be agendized for a later meeting if a discussion or action is needed.
- Emergency meetings require best notice possible and justification.

Closed Meetings (52-4-204)

- Allowed for specific purposes (52-4-205), including, amount other things :
  - Property acquisition or sale*; development agreements*.
  - Investigative proceedings regarding allegations of criminal misconduct.
  - Discussion of character, professional competence, or physical or mental health of an individual.
  - Pending or reasonably imminent litigation.
- Requirements:
  - 2/3 vote of members present.
  - Record meeting (minutes not required, but can be kept (52-4-206))
  - Document reasons for closure.

*subject to limitations

Meeting Minutes and Recordings (52-4-203)

- **Minutes are required and must include**:
  - Date, time, and place.
  - Names of members present and absent.
  - Motions, proposals, and votes.
  - **Substance** of all matters proposed, discussed, or decided; Summary of comments made by members of the public body are not required.
  - Names of persons who provided testimony or comments, and the **substance**, in brief, of the testimony or comments.
  - "**Substance**" requirement is met by maintaining a publicly available online version of the minutes with a link to the meeting recording at the place in the recording where the matter is covered.
- **Audio or Video Recordings are required for most meetings**:
  - Available to the public.

Violations and Penalties

- Violations include:
  - Failing to provide proper notice.
  - Discussing unlisted agenda items.
  - Closing a meeting without legal justification.
- Penalties:
  - Court action to nullify decisions made in violation.
  - Possible fines and legal consequences (class B misdemeanor.