



OFFICE OF THE
STATE AUDITOR

Auditor Alert 2023-01

Date: December 14, 2023

Subject: Public Notice Compliance for Local Governments

Introduction

The Office of the State Auditor has noted widespread non-compliance with public notice requirements among local government entities. Many entities are not compliant, either in whole or in part, with the requirements found in *Utah Code* [52-4-203](#) regarding the keeping and posting of written minutes and recordings of public meetings and other statutes requiring the public posting of board member and entity information.

Public Notice Requirements

The Office of the State Auditor has observed five requirements with which the Office has noted general noncompliance:

1. The entity should be properly listed on the Public Meeting Notice Website (PMN) with the same information that is on file with the Office of the State Auditor and the Office of the Lieutenant Governor, including entity type, entity name, and contact information in accordance with *Utah Code* [63A-16-601\(4\)](#).
2. Entities should publicly post pending and approved minutes of public meetings in accordance with *Utah Code* [52-4-203\(4\)\(f\)\(i\)&\(ii\)](#) and [52-4-203\(g\)\(i\)&\(ii\)](#). Counties, cities, towns, and metro townships must make pending minutes of a public meeting available to the public within 30 days of holding the public meeting. They must post to the PMN and make available the approved minutes and any public materials distributed at the meeting within three business days of the written minutes being approved. Other local public bodies must make pending minutes of public meetings available to the public within a reasonable time after holding the open meeting. They must post the approved minutes and any public materials distributed at the meeting to the PMN within three business days of the written minutes being approved.
3. Entities must make an audio recording of open meetings available to the public for listening within three business days after holding an open meeting in accordance with *Utah Code* [52-4-203\(4\)\(f\)\(iii\)&\(g\)\(iii\)](#). This requirement can be fulfilled by posting the recording on the PMN, by posting a link on the PMN to the entity's website where the audio recording can be found, or by keeping copies of the audio recordings to be made available at the request of members of the public. Recordings are required for all open public meetings except as provided under *Utah Code* [52-4-203\(7\)](#).
4. Entities must list the names of all board members, absent or present, in the pending and approved minutes of public meetings in accordance with *Utah Code* [52-4-203\(2\)\(a\)\(ii\)](#).

5. Special Districts and Special Service Districts must post to the PMN the name, phone number, and email of all board members. Any change in board membership or board member contact information must be updated on the PMN within 30 days of the change. See *Utah Code* [63A-16-601\(4\)\(a\)](#), [17B-1-303\(9\)](#) & [17D-1-106\(1\)\(b\)\(ii\)](#).

Conclusion

There is widespread noncompliance among local government entities with various public posting requirements, especially those regarding posting entity information on the PMN, posting minutes and audio recordings on the PMN, and posting board member information in meeting minutes and on the PMN. All local government entities should verify that they are in compliance with all public posting requirements in *Utah Code* [52-4](#), especially the five items identified by the Office of the State Auditor in this Auditor Alert.