



Holding a Public Meeting

In preparation for open and public meetings, the governing body should ensure:

- Governing body members are provided with annual training on the requirements of the Open and Public Meetings Act
- For entities which hold regular meetings scheduled in advance over the course of the year, public notice is provided at least once each year of its annual meeting schedule
- Establish and implement procedures for approving written minutes of each meeting
- The clerk or recorder who oversees minutes and recordings per Open and Public Meetings Act requirements has been designated as the records officer

For public "regular" meetings:

- At least 24 hours' public notice is provided, with the public notice including the meeting
 - o Agenda
 - Including specified topics to be considered listed under agenda items
 - o Date, time, and place
- The public notice requirement is satisfied by:
 - o Posting written notice at the entity office or the building the meeting is to be held (if no entity office exists); and
 - o Publishing on the Utah Public Notice Website; and
 - o Providing notice to at least one newspaper within the jurisdiction of the entity or a local media correspondent

For closed meetings:

- A quorum is present
- The meeting is an open meeting for which notice has been given
- 2/3 of the governing body members present at the open meeting vote to approve the closed meeting
- No ordinance, resolution, rule, regulation, contract, or appointment is approved
- The following information is publically announced and entered in the minutes of the open meeting at which the closed meeting was approved:
 - o Reason(s) for holding the closed meeting
 - o Location where the closed meeting will be held
 - o Vote by name, of each member, either for or against the motion to hold the closed meeting

- ❑ The meeting is only held for:
 - Discussion of the character, professional competence, or physical or mental health of an individual
 - Strategy sessions to discuss collective bargaining
 - Strategy sessions to discuss pending or reasonably imminent litigation
 - Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - Disclose the appraisal or estimated value of the property under consideration or prevent the entity from completing the transaction on the best possible terms
 - Strategy sessions to discuss sale of real property, including any form of a water right or water shares, if public discussion of the transaction would:
 - Disclose the appraisal or estimated value of the property under consideration or prevent the entity from completing the transaction on the best possible terms;
 - The public body previously gave public notice that the property would be offered for sale; and
 - The terms of the sale are publically disclosed before the governing body approves the sale
 - Discussion regarding deployment of security personnel, devices, or systems
 - Investigative proceedings regarding allegations of criminal misconduct
 - As it relates to a county legislative body, discussing commercial information as defined in Utah Code 59-1-404
 - Deliberations, not including any information gathering activities, of a public body acting in the capacity of:
 - An evaluation committee, during the process of evaluating responses to a solicitation
 - A protest officer, during the process of making a decision on a protest; or
 - A procurement appeals panel, during the process of deciding an appeal
 - The purpose of considering information that is designated as a trade secret, if the governing body's consideration of the information is necessary in order to properly conduct a procurement
 - The purpose of discussing information provided to the governing body during the procurement process, if, at the time of the meeting:
 - The information may not be disclosed to a member of the public or to a participant in the procurement process; and
 - The governing body needs to review or discuss the information in order to properly fulfill its role and responsibilities in the procurement process; or

- A meeting of a conservation district for the purpose of advising the Natural Resource Conservation Service of the U.S. Department of Agriculture on a farm improvement project if the discussed information in protected under federal law.
- ❑ The meeting is **not** held to:
 - Interview a person applying to fill an elected position
 - Discuss filling a midterm vacancy absence or temporary absence
 - Discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence
- ❑ Recording made of meeting
 - Complete and unedited from the commencement through adjournment
 - Includes:
 - Date, time, and place of meeting
 - Names of the members present and absent; and
 - Names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting
- ❑ The member presiding shall sign a sworn statement affirming the sole purpose for closing the meeting if a governing body closes a meeting exclusively for¹:
 - Discussion of the character, professional competence, or physical or mental health of an individual;
 - Discussion regarding deployment of security personnel, devices, or systems; or
 - A meeting of a conservation district for the purpose of advising the Natural Resource Conservation Service of the U.S. Department of Agriculture on a farm improvement project if the discussed information in protected under federal law

For public hearings:

- ❑ At least 7 days public notice is provided, with the public notice including the meeting
 - Date, time, and place
- ❑ The public notice requirement is satisfied by:
 - Publishing on the Utah Public Notice Website; and
 - Providing notice to at least one newspaper within the jurisdiction of the entity (or 3 public places in the jurisdiction, if no newspaper is available²)

¹ A recording of the closed meeting is not required if the meeting is closed for one of the following three purposes

² Towns must post in 3 public places at least 48 hours before the hearing

- Homepage of the entity's website, if available, until the hearing takes place³

For electronic meetings⁴:

- The governing body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
- Public notice is provided (See *For public meetings*, above) and written notice is provided at the anchor location
- Provide notice of the electronic meeting to members of the public body at least 24 hours before the meeting
- Provide a description of how the members will be connected to the electronic meeting
- Establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the governing body would normally meet if they were not holding an electronic meeting
- Provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting
- If comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting

For emergency meetings:

- Not held unless an attempt has been made to notify all governing body members and a majority of the members approve the meeting
- Notice requirement may be disregarded if the governing body provides the best notice practicable of:
 - Time and place; and
 - Topics to be considered

During the meeting:

- At the discretion of the presiding governing body member, a topic raised by the public during an open meeting is discussed, even if the topic was not included on the agenda
- An individual who publically presents or provides electronic information relating to the meeting agenda provided an electronic or hard copy of the information for inclusion in the public record
- No final action is taken on a topic unless the topic is listed under an agenda item and included with the required advance public notice
- Records officer transcribes minutes

³ Not applicable to local and special service districts, and interlocal entities

⁴ See Utah Code 52-4-209 for charter school board electronic meeting requirements

- Allow all or any part of a meeting to be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting

Minutes:

- Written minutes include:
 - Date, time, and place of the meeting
 - Names of members present and absent
 - Substance of all matters proposed, discussed, or decided by the public body
 - Record, by member, of each vote taken
 - Name of each person who is not a governing body member and after being recognized by presiding member, provided comments or testimony
 - Substance of comments or testimony
 - Any other information that is a record of the meeting that any member requests be entered in the minutes

Recordings:

- Be a complete and unedited record of all portions of the meeting from the commencement of the meeting through the adjournment of the meeting
- Be properly labeled or identified with the date, time, and place of the meeting

After the meeting:

- Pending minutes contain a clear indication that the governing body has not yet approved the minutes or that the minutes are subject to change until approved
- Pending minutes made available to the public within 30 days after the public meeting⁵
- Within 3 days after approving written minutes:
 - Post and make available a copy of the approved minutes and any public materials distributed at the meeting⁶
- Within 3 days after holding an open meeting, make an audio recording of the meeting available to the public⁷

⁵ Local and special service districts should make pending minutes available to the public within a reasonable time after holding the open meeting

⁶ Local and special service districts do not need to make available any public materials distributed at the meeting

⁷ Within 3 days after holding an open meeting, local and special service districts should make an audio recording of the open meeting available to the public, unless the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less

- Written minutes or recording of open and closed meetings that are required to be retained permanently are maintained in or converted to a format that meets long-term storage requirements