

OPEN MEETING ACT

IMPORTANT POINTS

1. All meetings of any public body are to be open to the public.
2. *A meeting is:* The convening of a public body, with a quorum, either in person or by means of electronic communication, to discuss or act on a matter under its authority. It includes workshops and executive sessions of a public body.
3. *An emergency meeting* may be held if “unforeseen circumstances” make it necessary “to consider matters of an emergency or urgent nature.”
An attempt must be made to notify all members of the public body. A majority of the members must approve the meeting. The public body must give the best notice practicable of the time and place of the meeting and the topics to be considered. You must ensure the minutes contain a statement of the unforeseen circumstances.
4. *Electronic meetings* occur whenever one member participates by electronic means. Members must receive 24 hours notice of electronic meetings,

including instructions on how members may participate. At least one “anchor location” is required for the meeting, which must include the normal meeting place, where the public may attend. A quorum need not be present at the “anchor location.”

5. *Closed meetings* require two-thirds of the body to vote to close. A quorum to be present and an open session with public notice must be held before closing the meeting.

a. **A meeting may only be closed for reasons listed in Utah Code section 52-4-205**, including:

- i. A discussion an individual’s character, professional competence, or physical or mental health;
- ii. Discussions regarding security personnel, devices or systems;
- iii. Certain deliberations of a public bodies when acting in certain capacities, but the information gathering activities and final action must be in the open session;
- iv. Strategy sessions to discuss collective bargaining, pending or reasonably imminent litigation, the purchase, exchange, lease or sale

of real property or water rights under certain circumstances;

- v. Investigative proceedings regarding allegations of criminal misconduct in certain circumstances

b. The following actions are prohibited in a closed meeting:

- i. No discussing anything other than the specific topic for which the meeting was closed;
- ii. No approving ordinances, resolutions, rules, regulations, contracts and appointments;
- iii. **No voting** or taking final action on a matter;
- iv. No interviewing persons applying to fill elected positions;
- v. No discussing the character, competence, physical or mental health of a person whose name was submitted for consideration to fill a midterm or temporary vacancy.

c. If the purpose of the closed meeting is to discuss:

- i. the character, professional competence, or physical or mental health of an individual, or
- ii. security measures,
- iii. Or, if the meeting is listed in Utah Code Section 52-4-205(2).

An affidavit must be signed by the presiding officer affirming that the sole purpose of the meeting was one of the listed permissible purposes.

Under these circumstances, *no recording, nor written minutes is required.*

- d. A recording must be made of the closed portion and must include: the date, time and place of the meeting; the name of members present, and the names of others present, unless it would infringe on confidentiality. Written minutes may be taken. Closed meeting minutes are protected records under GRAMA and may only be disclosed by court order.
- e. A knowing or intentional violation of any closed meeting provision by a member of a public body is a Class B Misdemeanor.**