

Open and Public Meetings Act



SUMMARY OF KEY PROVISIONS



Section 52-4-104



A public body must provide annual training to its members on the requirements of the Act.

Section 52-4-102



- State and local agencies exist to conduct the people's business, which must be done openly.
- Includes Actions and Deliberations

Section 52-4-103



- **Meeting** means a convening of a public body with a quorum (3) present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comment, or acting upon a matter under its jurisdiction or advisory power.
- **Meeting** does not mean a chance or social meeting.

Section 52-4-202



- **A public body must give notice at least 24 hours before each meeting.**
- **The notice must:**
 - Include the date, time, and place of the meeting.
 - Include an agenda that lists topics to be considered.
 - Be posted in specified places.
 - Be provided to a local newspaper or media correspondent.

Section 52-4-202



- **A public body may discuss a topic raised by the public that is not listed on the agenda, but may not take final action on the topic.**

Sections 52-4-203 and 52-4-206



- **A public body must keep written minutes and a recording of all meetings.**
 - **Two Exceptions**
 - ✦ Site visits or traveling tours if no vote or action is taken by the public body.
 - ✦ Closed meetings to discuss the character, professional competence, or physical or mental health of an individual.
- **A public body must make a recording of an open meeting available to the public within three business days.**

Sections 52-4-201 and 52-4-204



- A meeting is open to the public unless it is closed by a two-thirds vote with a quorum present at an open meeting.
- The public body must announce the reasons for the closed meeting and enter the reasons into the minutes of the open meeting.

Section 52-4-205



- **The public body may only hold a closed meeting for the following reasons:**
 - 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 (Conditions).

Section 52-4-205



- **Continued:**
 - Strategy sessions to discuss the sale of real property, including any form of a water right or water shares (Conditions).
 - Discussions regarding deployment of security personnel, devices, or systems.
 - Investigative proceedings regarding allegations of criminal misconduct.
 - Considering trade secrets to conduct procurement.

Section 52-4-205



Prohibitions in Closed Meetings

- Approve any ordinance, resolution, rule, regulation, contract, or appointment.
- Take final action (Final votes must be open and on the record).
- Interview a person applying to fill an elected position.

Section 52-4-205



Prohibitions (Cont.)

- A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence or to discuss a person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.

Section 52-4-202



Emergency Meetings

- A public body may not hold an emergency meeting unless it makes an attempt to notify all members and a majority of the members approve the meeting.
- A public body need not give a 24-hour notice if unforeseen circumstances require an emergency meeting and it gives the best practical notice.

Sections 52-4-302 and 52-4-305



- **Any final action taken in violation of the Act is voidable by a court.**
- **It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.**

Questions?

