



JUDGE TOSSES OUT NEW PASCO SCHOOL BOUNDARIES

OPEN AND PUBLIC MEETINGS ACT

Utah Code Ann. § 52-4-101 et seq.

The Public's Business Should Be Done in
Public!

INTENT OF OPEN MEETINGS LAW

It is the intent of the Legislature that school boards, which are political subdivisions:

- Take their actions openly; and
- Conduct their deliberations openly.

Utah Code Ann. § 52-4-102



“Take Actions Openly”

What does it mean for a school board to “take actions openly?”

Final decisions are made in meetings that are open to the public.



Public Deliberation





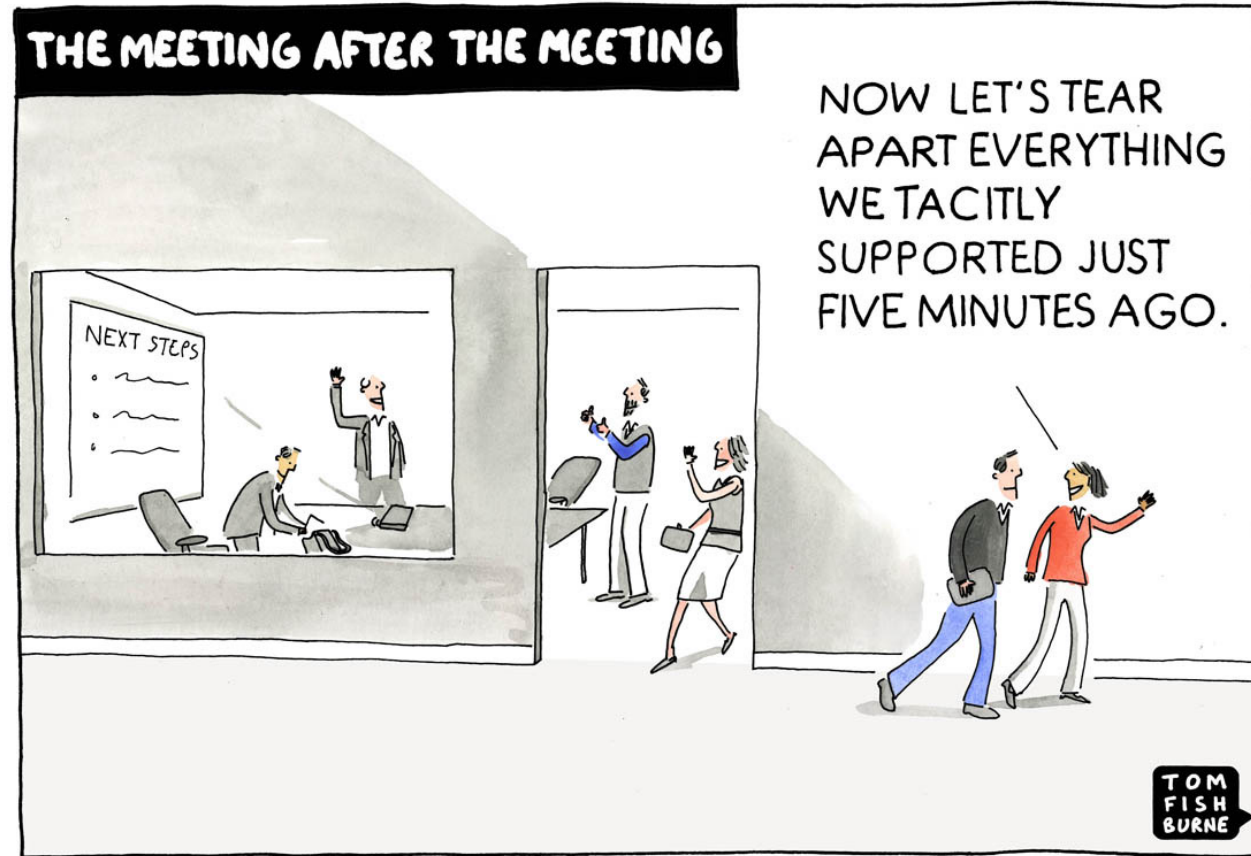
GENERAL RULE

Meetings shall be open to the public unless there is a statutory reason for the meeting to be closed.

Utah Code Ann. § 52-4-201

RESERVED

The Meeting After the Meeting



What is a Meeting?

“**Meeting**” means the convening of a public body or a specified body, with a **quorum** present, including a workshop or an executive session, whether in person or by means of electronic communications, for the **purpose** of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

Utah Code Ann. § 52-4-103

What Constitutes a Quorum?

“Quorum” means a simple majority of the membership of the school board for the transaction of official business.

Utah Code Ann. § 52-4-103 & § 53G-4-203

What is Not a Meeting?

A chance meeting
or social
gathering.

Utah Code Ann. § 52-4-103



What is Not a Meeting?

The convening of a public body that has both legislative and executive responsibilities if:

- (i) **no public funds** are appropriated for expenditure during the time the public body is convened; and
- (ii) the public body is convened **solely** for the discussion or implementation of **administrative or operational matters**:
 - (A) for which no formal action by the public body is required; or
 - (B) that would not come before the public body for discussion or action.

Recording of Meetings

Danger!!



You are on the Record!

All open meetings shall be
recorded with written minutes.

Utah Code Ann. § 52-4-203

Mayor Petty apologizes for hot mic remarks about protesters.

Referred to protestors
as:

“morons”

“not educated at all”



Mayor Petty's Apology

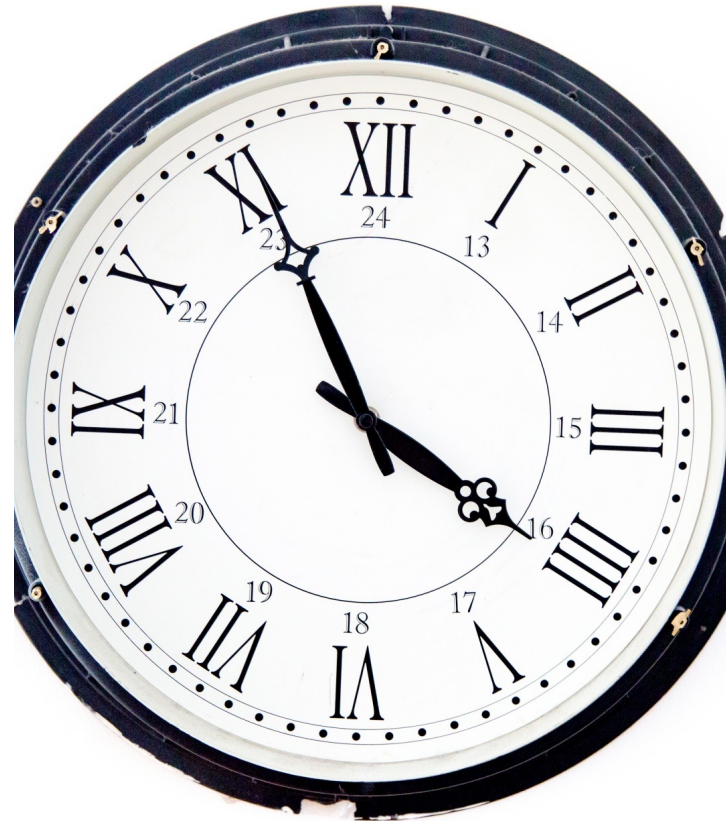
“For anyone who has been caught on a hot mic, it’s embarrassing. I was caught in a moment of **frustration** and I was wrong.”



Notice of Public Meetings



This Photo by Unknown Author is licensed under CC BY



A public body shall give not less than **24 hours'** public notice of each meeting.

The Notice shall include the meeting:

- **Agenda**
- **Date**
- **Time**, and
- **Place**

Utah Code Ann. § 52-4-202

Annual Notice of School Board Meetings

A school board which holds regular meetings that are scheduled in advance over the course of a year shall give public notice **at least once each year** of its **annual meeting schedule** as provided in this section.

The annual public notice shall specify the **date, time, and place** of the scheduled meetings.

Utah Code Ann. § 52-4-202



How to Give Notice of Meeting

- Posting written notice at the **principal office** of the school board (district office), or if no principal office exists, at the **building where the meeting will be held**.
- Posting written notice on the Utah Public Website.
- Providing notice to at least one **newspaper** of general circulation within the geographic jurisdiction of the school district or to a **local media correspondent**.



Electronic Meetings

“Electronic meeting” means a public meeting convened or conducted by means of a conference using electronic communications.

Utah Code Ann. § 52-4-103

Requirements for Electronic Meetings

- The school board has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
- The rule should establish procedures, limitations, or conditions governing electronic meetings.
- The Notice of the meeting shall state that the meeting is an electronic meeting.
- Provide 24-hour notice that the meeting will be an electronic meeting to each member of the school board.

Utah Code Ann. § 52-4-207

Requirements for Electronic Meetings

- Provide members of the school board instructions on how to connect to the meeting at least 24 hours in advance.
- Provide space and facilities at an anchor location for members of the public to attend.
- Post written notice of the electronic meeting at the anchor location.

Utah Code Ann. § 52-4-207



Exception to Electronic Meeting Requirements

There does not have to be an anchor location for the meeting if each of the following occurs:

1. The board president determines an anchor location presents a **substantial risk to the health or safety of those present**, or
2. The location where the board would normally meet has been **ordered closed to the public for health or safety** reasons.

Additional Notice Requirements if There is Not an Anchor Location



COVID-19
INFORMATION

The Meeting Notice shall contain the following:

- A statement describing the board president's decision to not have an anchor location.
- A summary of the facts upon which the board president based his decision.
- Information on how a member of the public may attend the meeting remotely by electronic means.

Utah Code Ann. § 52-4-207

Emergency Meetings

A school board may hold a meeting without providing the standard notice if:

1. Because of **unforeseen circumstances** it is necessary to hold an emergency meeting to consider matters of an emergency or urgent nature.
2. The board gives the best notice practicable of the **time and place** of the meeting and of the **topics** that will be addressed in the meeting.
3. An attempt is made to notify all school board members.
4. A majority of the school board members approve the meeting.

Utah Code Ann. § 52-4-202



Legal Reasons for Closed Meeting

Discussion of the character, professional competence, or physical or mental health of an individual.

The **exception** to this rule is if you are interviewing or discussing the character and competence of a person seeking to fill a midterm vacancy on the school board. Those interviews and discussions must be held in public.

Utah Code Ann. § 52-4-205

Legal Reasons for a Closed Meeting

**Strategy sessions to
discuss collective
bargaining.**



Legal Reasons for a Closed Meeting

Strategy Session to discuss the **purchase, exchange, or lease of real property or any form of water** if public discussion would:

- Disclose the estimated value of the property, or
- Prevent the district from completing the transaction on the best possible terms.




This Photo by Unknown Author is licensed under [CC BY-NC-ND](#)

Legal Reasons for a Closed Meeting

Strategy sessions to discuss the **sale of real property**, including any form of a water right or water shares, if:

1. Public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration; or
2. Prevent the public body from completing the transaction on the best possible terms;
3. The public body **previously gave public notice that** the property would be offered for sale; and
4. The terms of the sale are **publicly disclosed before the public body approves the sale.**

A photograph of a traditional courtroom. The room features extensive wood paneling on the walls and ceiling. In the center background, there is a judge's bench with a green cushioned seat. To the left of the bench is a witness stand. The foreground shows several rows of wooden benches for the audience, separated by low wooden railings. The lighting is warm, and the overall atmosphere is formal and historic.

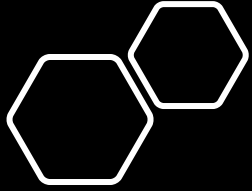
Legal Reasons for Closed Meetings

Strategy Sessions to
discuss pending or
reasonably imminent
litigation.

Legal Reasons for a Closed Meeting

Discussion regarding
deployment of
security personnel,
devices, or systems





Legal Reasons for Closed Meetings

There are a few other
reasons that will
rarely apply to your
school board.



**Closed
meetings must
be recorded!**

CAUTION
DANGER AHEAD



Exception to Recording Rule

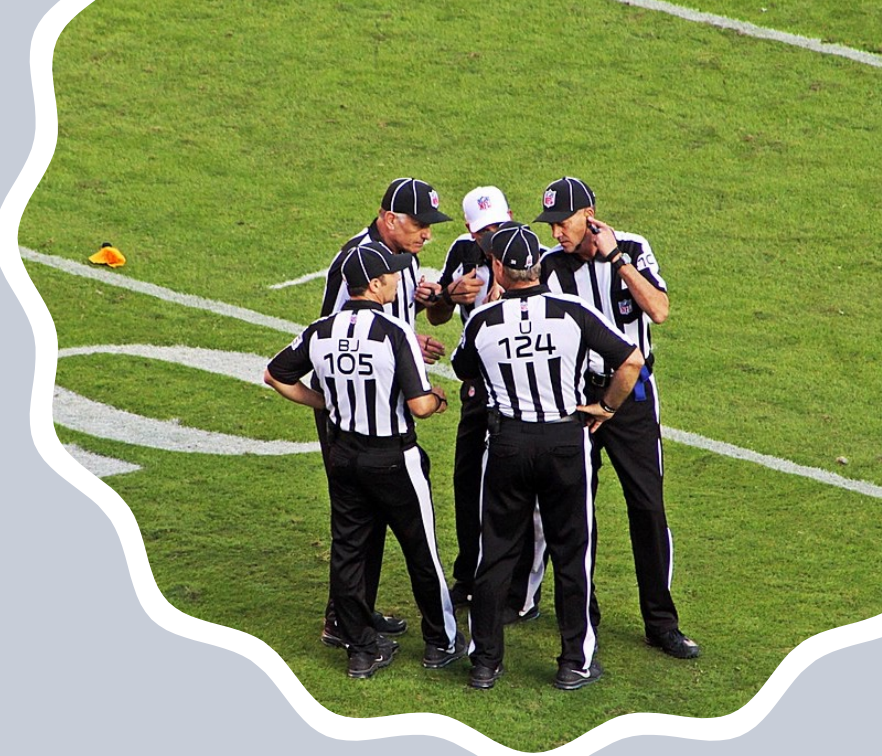
If the school board is discussing the **character and competence** of an individual or the deployment **security devices** or personnel, then the meeting does not need to be recorded.

However, the board president must sign a sworn statement that the sole purpose of the meeting was to discuss one of the two approved reasons.

Penalties for Violating Open Meetings Act

- A court may void any action taken by the board in an illegal meeting.
- Sued to compel compliance and payment of attorney's fees.
- Guilty of a Class B Misdemeanor if a board member knowingly or intentionally violates closed meeting law.

Utah Code Ann. § 52-4-302, § 52-4-303, and § 52-4-305



Penalties for Violating
Open Meetings Act

Embarrassment!

