



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



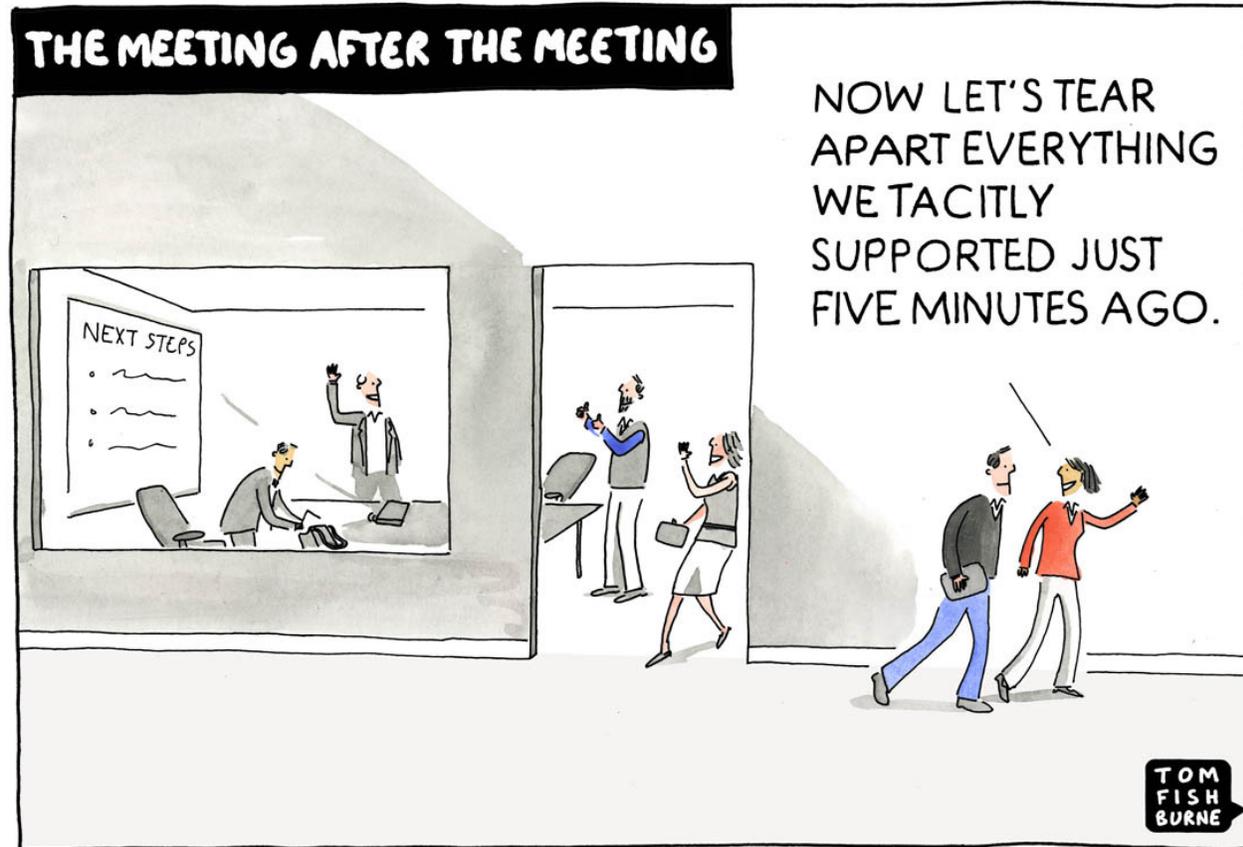


# GENERAL RULE

**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

# 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

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# What Constitutes a Quorum?

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**“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?

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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.

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Referred to protestors  
as:

**“morons”**

**“not educated at all”**



# Mayor Petty's Apology

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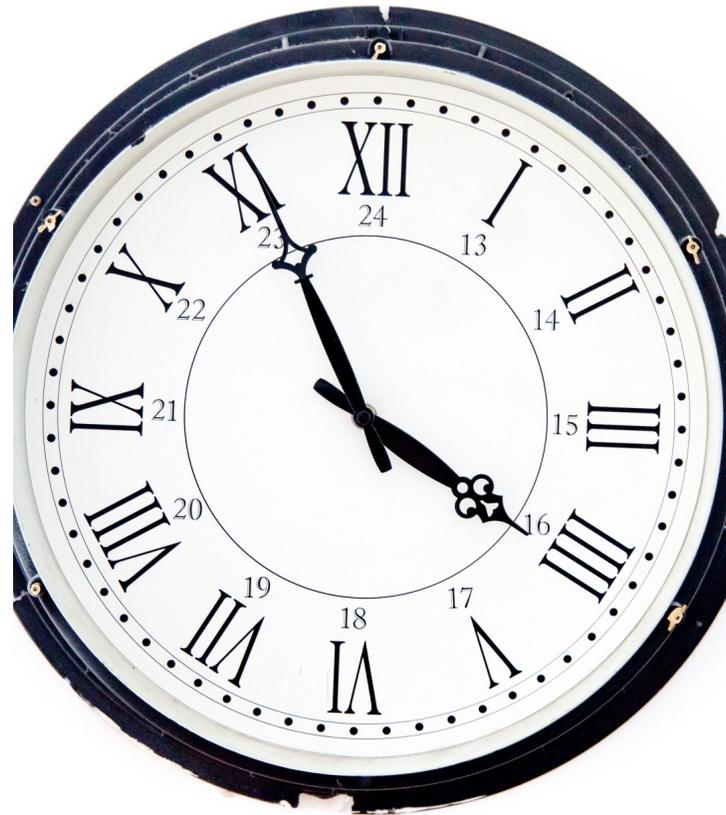
“For anyone who has been caught on a hot mic, it’s embarrassing. I was caught in a moment of **frustration** and I was wrong.”



# 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

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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



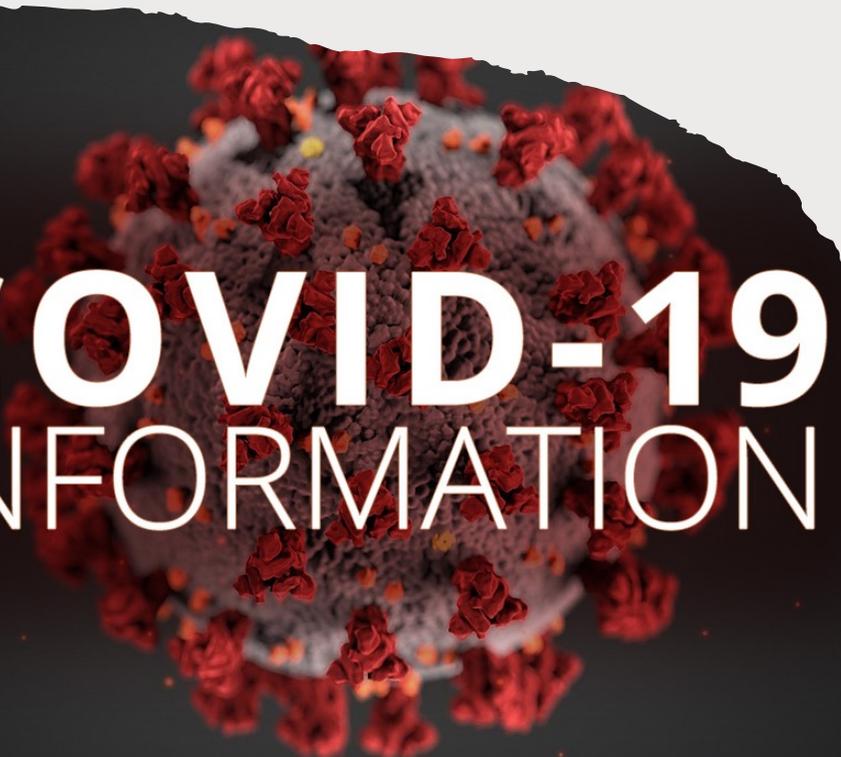
## Exception to Electronic Meeting Requirements

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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

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**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.



# 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, there is a judge's bench with a green cushioned seat. To the right, there is a witness stand. The foreground shows rows of wooden benches for the audience. The lighting is warm and focused on the central area.

## Legal Reasons for Closed Meetings

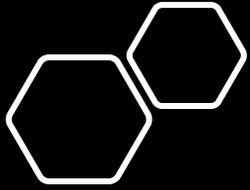
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Strategy Sessions to discuss pending or reasonably imminent litigation.

# 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!**

