

CLOSED MEETINGS

TRAINING

OPMA

(UTAH CODE 52-4)

- It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - (a) take their actions openly; and
 - (b) conduct their deliberations openly.
- Generally, all parts of all meetings are public.

REASONS FOR A CLOSED MEETING

(UTAH CODE 52-4-205)

- 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.

REASONS FOR A CLOSE MEETING

(UTAH CODE 52-4-205)

- Strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state or a political subdivision, if public discussion would:
 - Disclose the appraisal or estimated value of the property under consideration; or
 - Prevent the public body from completing the transaction on the best possible terms;

REASONS FOR A CLOSE MEETING

(UTAH CODE 52-4-205)

- Strategy sessions to discuss the 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 public body 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 publicly disclosed before the public body approves the sale;

REASONS FOR A CLOSE MEETING

(UTAH CODE 52-4-205)

- Discussion regarding deployment of security personnel, devices, or systems.
- Investigative proceedings regarding allegations of criminal misconduct.
- State procurement code (if adopted)
 - Evaluation committee
 - Protest officer
 - Procurement appeals board
 - Considering a trade secret
 - Review of certain information

PROHIBITIONS

(UTAH CODE 52-4-205)

- Interview a person applying to fill an elected position.
- Discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.
- 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 governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

PROHIBITIONS

(UTAH CODE 52-4-204)

- A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
- An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
- A public body may not take a vote in a closed meeting, except for a vote on a motion to end the closed portion of the meeting and return to an open meeting.

PROCEDURE TO CLOSE A MEETING

(UTAH CODE 52-4-204)

- Part of an open meeting.
- Anytime if related to an item on the agenda.
- Quorum is present.
- 2/3 of the council members present must vote to close the meeting (4 members). Members must vote individually.
- The reason(s) for the closed meeting is announced as part of the motion.
- A simple majority may vote to end a closed meeting.

AUDIO RECORDING

(UTAH CODE 52-4-206)

- Required for closed meetings
- Complete and unedited.
- Retained permanently.
- Exceptions
 - Discussion of the character, professional competence, or physical or mental health of an individual.
 - Discussion regarding deployment of security personnel, devices, or systems
 - Person presiding signs a sworn statement affirming the purpose for closing the meeting.

WRITTEN MINUTES

(UTAH CODE 52-4-206)

- Not required for closed meetings.
- Detailed not a summary.
- Retained permanently.

CONFIDENTIALITY

(UTAH CODE 52-4-206)

- Recordings and minutes are protected records and strictly confidential.
 - May be disclosed under a court order only as provided under Section 52-4-304.
 - Shall be disclosed, upon request, to the Office of the Legislative Auditor General under Section 36-12-15.
- What is discussed in a closed meeting is strictly confidential.
- A member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.
- The City can be sued or a person prosecuted by the State Attorney General or the County Attorney.

P.S.

- Information provided before the meeting.
- Opportunity to review the information and contact staff if there are any questions.
- Meeting can focus on questions for the applicants, public comment, and discussion among the council members.

POWERS AND DUTIES

(ULCT)

The best way to avoid problems is to err on the side of public openness.

QUESTIONS