

Open and Public Meetings

The business of the public must be conducted in open and public meetings of which the public has been notified and to which the public is invited. Any body of two or more individuals with the authority to make decisions on behalf of the public is subject to the Open and Public Meetings Act. The land use authority may, in certain circumstances, be a single individual. However, more often, it is the planning commission or the council.

Generally speaking, open and public meetings are required whenever a “quorum” of the body meets. A quorum is a majority of the appointed or elected members of the body (for example: three of five members).

Checklist

Conducting an Open Meeting

- _____ 1. Determine if the entity holding a meeting is a “public body” which consists of two or more persons, who:
 - _____ a. Are part of a body created by rule, ordinance, or resolution; and
 - _____ b. Expend, disburse, or is supported in whole or in part by tax revenue; and
 - _____ c. Are vested with the authority to make decisions regarding the public’s business.
- _____ 2. Determine if the entity is holding a “public meeting.” A public meeting is in the presence of a quorum or majority of the members of a public body who meet for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which they have jurisdiction. (A public meeting is not a chance meeting or a social gathering.)
- _____ 3. Determine if a quorum (majority of the appointed or elected officials) is present. If not, the meeting cannot take place.
- _____ 4. Prepare an agenda with reasonable specificity of the topics to be considered. List each topic as a separate agenda item.
- _____ 5. Place a public notice of the meeting 24 hours in advance, including the date, time, place, and agenda of the meeting.
 - _____ a. At the principal office of the public body, or, if there is no principal office, at the building where the meeting is to be held; and

- _____ b. By providing notice to at least one newspaper of general circulation within the jurisdiction of the public body or a local media correspondent; and
- _____ c. For public bodies associated with a municipality with an annual budget of more than \$1 million, on the Utah Public Meeting Notice website.
- _____ 6. Make an audio or video recording of the meeting from beginning to end.
- _____ 7. The presiding officer should make a statement at the beginning of the meeting identifying the date, time, and place of the meeting for the tape.
- _____ 8. Allow any member of the public to also make an audio or video recording of the meeting, so long as the recording does not interfere with the conduct of the meeting.
- _____ 9. Do not discuss any item not on the agenda unless the item is:
 - _____ a. Raised up by a member of the public; and
 - _____ b. Allowed by the presiding officer of the public body.
- _____ 10. Do not take action on any item not on the agenda.
- _____ 11. Prepare written minutes of the meeting that include:
 - _____ a. The date, time, and place of the meeting;
 - _____ b. The names of the members present and absent;
 - _____ c. The substance of all matters proposed, discussed, or decided, which may include a summary of comments made by members of the public body;
 - _____ d. A record, by individual member, of each vote taken;
 - _____ e. The name of each person recognized by the presiding member of the public body to provide testimony or comments;
 - _____ f. The substance, in brief, of the testimony or comments provided by the public; and
 - _____ g. Any other information that any member requests be entered in the minutes or recording.
- _____ 12. Make the recording and minutes of the meeting available to the public within a reasonable time after the meeting.
- _____ 13. Preserve the tape recording as a permanent record in complete and unedited form.

Notes and Practice Tips

Remember, you are conducting the public's business and proceed accordingly. Open, effective communication is not only required but can go a long way to ensuring positive relations between the municipality and the community.