

Electronic Meetings

The Board must adopt a resolution, rule or ordinance governing electronic meetings (otherwise an electronic meeting may not be held). Resolution or rules may establish limitations, conditions and procedures governing electronic meetings based upon budget, policy or logistics, and other factors.

Public notice required (in addition to other public notice requirements, written notice must be posted at the anchor location, if there is one). In addition, each board member must receive at least 24 hours advance notice. The notice must include a description of how the members will be connected to the electronic meeting.

One or more anchor locations generally will be required, one of which must be the normal meeting place of the board. The requirement that there be an anchor location for an electronic meeting does not apply if the Chair determines that there would be a substantial risk to the health or safety of those present at the anchor location or the location where the board would normally meet has been ordered closed to the public for health or safety reasons. The Chair's determination must include a summary of the facts upon which the determination is based and information on how a member of the public may attend remotely using electronic means. The Chair's determination must be included in the public notice for the meeting, along with information explaining how a member of the public may view the meeting or make a comment during the meeting. The Chair's determination expires after 30 days.

A meeting that began with an anchor location may be converted to a fully electronic meeting based upon a mid-meeting determination by the Chair that continuing to use the anchor location presents a substantial risk to the health or safety of those present and, in convening the meeting, means for the public and Board members to remotely attend the meeting by electronic means have been provided.

**Interested persons and the public must be able to attend and monitor the open portions of the meeting at the anchor location, if there is one. If public comments are to be accepted, provisions must be made for full participation.

Open and Public Meetings

Political subdivisions “exist to aid in the conduct of the people’s business”. Therefore, all deliberations and actions are to be conducted openly.

The Board chair is required to ensure that board members are provided annual training on the Open and Public Meetings Act.

Meeting means:

The convening of a public body that consists of 2 or more persons and “expends, disburses, or is supported in whole or in part by tax revenues” and has “authority to make decisions regarding the public’s business” in person or electronically for purpose of discussing, receiving comments from the public, or acting upon a matter over which the body has jurisdiction or advisory power and a quorum is present (simple majority unless otherwise defined by law).

Meeting includes:

- Workshops and executive sessions.

A workshop or executive session on the same day as a regular meeting must generally be held where the regular meeting is to be held.

Meeting does not include:

- a chance or social gathering.

The convening a public body with both legislative and executive responsibilities solely to discuss or implement administrative or operational matters not requiring formal action and no public funds are appropriated for expenditure.

Two elected officials, with no one else is present, provided no formal or informal action is taken (not considered to be a quorum, even for a three member board).

****Board members may exchange electronic messages, but *only* when the board is not convened in open meeting.**

Meeting Notice Requirements:

Public notice of the annual meeting schedule must be published in advance at least once per year on the Utah Public Notice Website and at the principal office of the public body or where the meetings are to be held if no principal office exists.

The notice must contain the date, time and place. Notice must also be provided to at least one newspaper of general circulation in the geographic jurisdiction or to a local media correspondent. The media notice may be satisfied through a link on the Utah Public Notice Website. (Note that the notice must be provided, not paid to be placed in a newspaper.)

The use of a website or other electronic means to provide additional notice is encouraged.

Notice of a Regular Meeting’s agenda with the date, time and place must be posted a minimum of 24 hours prior to the meeting must be posted on the Utah Public Notice Website and at the principle office of the public body or where the meetings are to be held if no principle office exists. The agenda should provide “reasonable specificity” of topics. Each topic must be listed under a separate agenda item. The Board may **not** take action on any topic that is not on the agenda. The Board may only discuss a topic

not listed on the agenda if a member of the public raises the topic. A non-agenda topic raised by the public may be discussed (at the discretion of the chair) but final action cannot be taken.

Budget Public Hearing Requirements:

District Fee Increase: A district must follow all regular meeting posting requirements, plus 1 notice per 1,000 population must be posted in a public place within the district boundaries; subject to a maximum of 10 notices.

Fee Increase or tentative budget: the district must publish a notice on the Public Notice Website at least 7 days prior to the public hearing.

Tax Increase: the district must publish a notice on the Public Notice Website at least once a week for the two weeks preceding to the public hearing.

All public hearings must be held after 6 pm. No other agenda items may be on the agenda following the beginning of a public hearing. No meeting may be scheduled on the same day after a public hearing, but may be scheduled prior to a public hearing.

District's with a budget less than \$250,000 must provide notice of a public hearing by direct mail and post the notice at 3 public places within the district's service area.

Emergency Meetings:

Emergency meetings may be held to consider an emergency or urgent matter that was not foreseeable. The best notice practicable of time, place and agenda must be given. There must be an attempt to notify all Board members, and a majority of the Board members must approve the emergency meeting.

Minutes and Recordings:

Written minutes and a recording of all open meetings (with limited exceptions) must be kept.

A complete, unedited recording of any open portion of the meeting must be labeled with date, time, and place. The recording must be available to the public for listening within three business days after the end of the meeting. (There is no recording requirement for a site visit or traveling tour with no vote or action; or for a district with an annual budgeted expenditures, excluding capital expenditures and debt service, of \$50,000 or less.)

Any person in attendance may independently record all or part of an open meeting, provided recording does not interfere with the conduct of the meeting. Removal of an individual from a public meeting is allowed if the disruption willful and orderly conduct is seriously compromised.

Written minutes are "the official record of the meeting". Written minutes must include the date, time, place, names of board members present and absent, substance of all matters proposed, discussed, or decided. Also included is a record, by individual board member, of each vote, the name of each member of the public who, after being recognized by the Chair, provides testimony or comments, including the substance in brief and any other information that is a record of the proceedings of the meeting that any board member requests be entered into the minutes.

Under GRAMA, pending minutes of the legislative body of a local or special service district must be available to the public within a "reasonable time" after the open meeting. Pending minutes must be

marked “not approved” or “subject to change” or an equivalent. Within three business days after an open meeting, an audio recording of the meeting must be available to the public for listening.

An individual who publicly presents or provides electronic information relating to an item on the agenda is required to provide an electronic or hard copy for inclusion in the public record.

Both the approved minutes and any public materials distributed at the meeting must be posted to the Utah Public Notice Website and made available to the public within three business days after approval. Posting to the Utah Public Notice Website a link to a website on which the approved minutes and public materials are posted will satisfy the posting requirement. Recordings must be kept for 36 months. Written minutes must be kept indefinitely.