



UTAH ASSOCIATION OF
PUBLIC CHARTER SCHOOLS

Utah Open and Public Meetings Act

Do the Business of the Public in Public

Anytime you have a quorum of board members discussing the school it needs to have been noticed or you should separate.

- Hallways at school
 - Group emails
- Online collaboration
- Social Gatherings
- Code vs. Perception

How to Notice a Meeting

- Post the meeting with at least 24 hours notice on the Public Meetings Notice Website (publicnotice.utah.gov).
- Agenda posted must have “reasonable specificity” of items to be discussed and must include date, time and place of meeting.
- Have at least 2 individuals with pmn.Utah.gov access to post meetings.
- Post electronically on PMN and physically at the school. We also strongly suggest posting to your school website as well. (If there is no school building yet, physically post notice where the meeting will be held.)
- Newspaper requirement (can be satisfied by posting on PMN website).
- Post your annual schedule of board meetings on PMN website at the beginning of the school year.
- You can hold an emergency meeting without 24 hour notice, but it must be for unforeseen circumstances.

The Meeting Itself

- You must have a quorum present in order to vote.
- You can only vote on noticed action items.
- Discussion should be held in a committee on items before a final proposal is brought to the board. This allows the committee to get a general feeling or research possible questions before bringing a final proposal. Well implemented committees will drastically improve board efficiencies.

Electronic Meetings

- You must have an electronic meetings policy to hold an electronic meeting.
 - Review Utah Code 52-4-207 to ensure compliance.
 - Online collaboration tools are allowed for charter schools, but have very detailed restrictions. Review Utah Code 52-4-208
- You must have an anchor location available for public to attend and make public comment.
- You must include the method and details of electronic connection on the agenda.

When Can You Close a Public Meeting?

- The character, competence, or mental or physical health of an INDIVIDUAL.
- Strategy sessions to discuss pending or eminent litigation.
- Strategy sessions to discuss purchase, lease, or sale of real estate.
- Discussions of security personnel, devices, or systems.
- Investigative proceedings of criminal misconduct.
- Two-thirds of the members of the public body present at the open meeting vote to go into closed session.
- NOT to interview a candidate for an elected position.
- NOT to review contracts.
- NOT to avoid difficult or unflattering discussions.
- Closed meeting violations are a Class B Misdemeanor.

How to Enter a Closed Meeting

- A motion must be made in an open meeting to close the meeting. The motion must be seconded and voted upon.
- The votes must be recorded by individual name (roll call).
- The reason for closing the meeting must be stated and recorded in the open meeting portion minutes with the roll call vote.
- State who is participating in the closed session. Typically the board but you can invite anyone to join you that you agree upon.

Closed Meetings

- Recordings and minutes of closed session can only be requested by a court order. (Stop and restart the recorder as you enter closed session.)
- You must vote to reopen the meeting.
- Any decisions resulting from the closed session must be voted on in an open session. For example, “I move that we discharge (name) for reasons discussed in closed session.”
- Items from closed sessions are to be kept confidential and cannot be discussed outside of the meeting.

Minutes

- Include the date, time, and place of the meeting.
- Include names of members present and absent.
- Include substance of all matters proposed, discussed, or decided.
- Include individual votes by name for each action item.
- Include name of public attending who provides comments.
- Include any other information requested by board member to be entered into the minutes or recording.
- Include any information (electronic or hard copy) relating to the agenda provided by an individual at the meeting to be put in the public record.

Minutes

- Pending minutes must be made available to the public within 30 days of the open meeting.
- Minutes must be available to the public within 3 days after having been approved.
 - Posted on PMN with approved minutes and any materials distributed at the meeting
 - Make the approved minutes and materials available at school's primary office
 - Post approved minutes and materials on the school's website.
- Within 3 business days after the meeting post a RECORDING on the PMN website of the meeting.

What if You Make a Mistake?

- If an error was made in posting, reschedule the meeting.
- Limit emergency notices-try to reschedule meeting to give 24 hour notice unless it is a true emergency.
- If an error was made in an agenda action item, re-vote at your next meeting with proper notice.
- With most situations, do it over again correctly. If this is frequent, someone is going to raise questions.

Resources

- UAPCS Resource Library
- The Open and Public Meetings Act
 - https://le.utah.gov/xcode/Title52/Chapter4/52-4.html?v=C52-4_1800010118000101
- UAPCS Mentoring and Training Program
 - Gina James gina@utahcharters.org
 - Joylin Lincoln joylin@utahcharters.org