

Open Meetings Law (Utah Code 52-4-104)

■ Open Meetings - Training

- *The presiding officer of the public body ensure that the members of the public body are provided with annual training on the requirements of the Open and Public Meetings Act*



Open Meetings Law (Utah Code 52-4)

■ Open meeting – defined

- *With a quorum present, an Open Meeting Includes:*

- *Workshops*
- *Executive Sessions*

- *Does not include:*

- *Chance Meetings*
- *Social Meetings*



Open Meetings Law (Utah Code 52-4)

■ Electronic Meetings

- *Statute requires that a policy for electronic meetings be adopted if electronic meetings are to be held*
- *Statute provides recommendations as to the areas to be considered*



Open Meetings Law (Utah Code 52-4-209)

■ *Electronic Communications in Public Meetings*

- An “Electronic Message” includes:
 - Electronic mail, instant messaging, electronic chat, text messaging, or other means of electronic messaging.
- A member of a public body may transmit an electronic message to other members of the public body when the public body is not convened in an open meeting.



Closed Meetings (52-4-205)

- *A Closed Meeting is closed to the public and to the press.*
- *A Closed Meeting may be convened **only** for specific purposes as defined in statute*

Closed Meetings - Purposes (52-4-205)

- *The character, competence or health of an individual*
- *Deployment of security personnel, devices or systems*
- *Collective bargaining issues*



Closed Meetings - Purposes (Continued)

- *Pending or reasonably imminent litigation.*
- *Investigative proceedings regarding allegations of criminal misconduct.*



Closed Meetings - Purposes (Continued)

- Purchase, exchange, lease, or sale of real property, including any form of a water right or water shares, if: ...
 - ...such discussion prevents the district from completing a transaction on the best possible terms.



Closed Meetings - Purposes (Continued)

- Information that is required to maintained as Private or Protected by the Procurement Statute, including trade secrets.
 - at the time of the procurement process
 - ...unless otherwise required to permanently be maintained as protected.



Closing a Meeting - Procedures

■ *How to enter a Closed Meeting*

- *May enter only from a properly noticed open meeting.*
- *Motion to enter a closed meeting.*
- *Two-thirds vote required of board members present at an open meeting.*



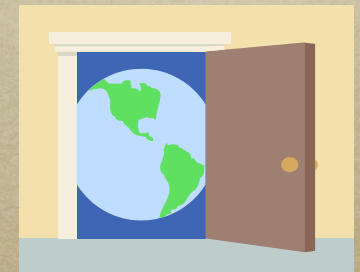
- *No board action may be taken in a closed meeting.*

Utah Association of Special Districts

Closing a Meeting - Procedures

Publicly announce and record the motion to convene a Closed Meeting

- *Clearly state the reason for closing the meeting*
- *Record the location of closed meeting*
- *Record the vote of each board member*



Utah Association of Special Districts

Board Governance

- *Legislative Auditor General Findings*
 - *Lack of Acceptable Governance*
 - *Inadequate Policies and Procedures*
 - *Ineffective Standards or Performance Measures*
 - *Insufficient Reporting Data*

Board Governance

- *Acceptable Governance*
 - *The Board Should...*
 - *Establish Vision and Mission*
 - *Insure Harmony between Mission and Functions established in Statute*
 - *Establish Desired Outcomes*
 - *Establish Policies and Procedures*
 - *Avoid Micro-Management*
 - *Review Overall District Performance*

Board Governance

- *Inadequate Policies and Procedures*
 - *Establish Clear Written Policies and Procedures.*
 - *Periodically review to insure compliance with statute and harmony with mission.*
 - *Insure that Policies and Procedures are understood and implemented.*

Board Governance

- *Ineffective Standards or Performance Measures*
 - *Establish effective standards and/or performance measures.*
 - *Periodically review to insure effectiveness of standards and/or performance measures.*

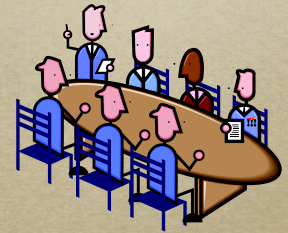
Board Governance

■ Insufficient Reporting Data

- Evaluate available data.
- Expand data gathering or data-system capability if necessary.
- Structure data so as to effectively communicate the entity's effectiveness in achieving standards and/or performance measures.

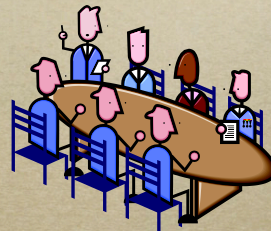
Board Governance - Local Districts

- **Board Member Qualifications** (17B-1-302)
 - Must be a registered voter at the location of the members residence
 - A resident within the boundaries of the district
- **Exceptions - if over 50% of the residences are seasonally occupied homes...**
 - Owner (or agent) of land within the district
 - Receives service from the district



Board Governance- Special Service Districts

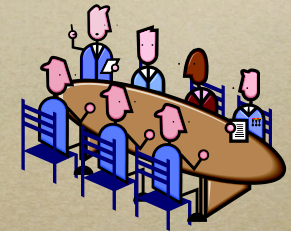
- **Administrative Control Board Member Qualifications** (17D-1-304)
 - Must be a registered voter within the special service district, or
 - An officer or employee of the creating entity
- **Exceptions** (17D-1-303 & 304)
 - At least 90% of real property owners are not registered voters within the SSD
 - Elected or appointed as provided in 17B-1 Part 3, Board of Trustees
 - Exception for Improvement Districts



Board Governance

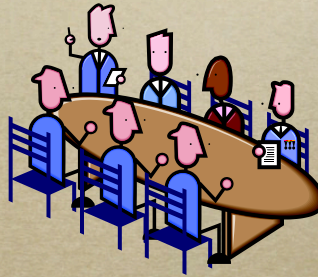
■ Board Member Terms

A local district board member continues to serve until a successor is duly elected or appointed. (2013 SB 200)



Board Governance

- An appointing authority not subject to certain notice requirements “if” they appoint one of its own members. (2013 SB 200)

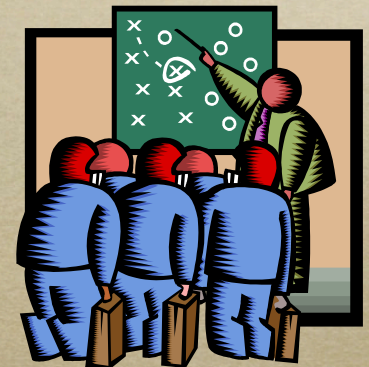


Utah Association of Special Districts

Public Official Contact Information

(Utah Code 11-47-103)

- *Requires that an elected official and community council member have:*
 - *Telephone number, if available, where they may be reached directly.*
 - *Email address, if available, where they may be reached directly.*
- *This information is a public record*



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