

<p><b>DESCRIPTOR TERM:</b></p> <p><b>School District Organization and Governance</b></p>	<p><b>Millard District Policy</b>  <b>File Code: 1050</b></p> <p><b>Approved 10-14-10</b></p>
--	---

**OPEN MEETING LAW**

Utah provides that "...its agencies and political subdivisions exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly..."  
(Utah Code 52-4-1)

The Millard Board of Education will adhere to the following Utah Open Meeting law as they conduct the affairs of the district:

**52-4-201. Meetings Open to the Public – Exceptions** --Every meeting is open to the public unless closed pursuant to sections 52-4-204 and 52-4-205.

**52-4-204. Closed meeting held upon Vote of Members – Business Reasons for Meeting Recorded** –A closed meeting may be held upon the affirmative vote of two-thirds of the Board Members present; ...provided a quorum is present. No closed meeting is allowed except as to matters exempted under section 52-4-205; provided, no ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting. The reason or reasons for holding a closed meeting and the vote, either for or against the proposition to hold such a meeting, cast by each member by name, shall be entered on the minutes of the meeting.

Nothing in this chapter shall be construed to require any meeting to be closed to the public.

**52-4-205. Purposes of Closed Meetings – Chance Meetings and Social Meetings Excluded – Disruption of Meetings**

1. A closed meeting may be held pursuant to Section 52-4-204 for any of the following reasons:
  - a. Discussion of the character, professional competence, or physical or mental health of an individual;
  - b. Strategy sessions with respect to collective bargaining, litigation, or purchase of real property;
  - c. Discussion regarding deployment of security personnel or devices; and
  - d. Investigative proceedings regarding allegations of criminal misconduct.

2. This chapter shall not apply to any chance meeting or a social meeting. No chance meeting or social meeting shall be used to circumvent this chapter.
3. This chapter shall not prohibit the removal of any person who willfully disrupts a meeting to the extent that orderly conduct is seriously compromised.

#### **52-4-202. Public Notice of Meetings**

1. Any public body which hold regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section. The public notice shall specify the date, time and place of each of such meetings.
2. In addition to the notice requirements of subsection (1) of this section, each public body shall give not less than 24 hours public notice of the agenda, date, time and place of each of its meetings.
3. Public notice shall be satisfied by:
  - a. Posting written notice at the principal office of the public body, or if no such office exists, at the building where the meeting is to be held; and
  - b. Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent; and
  - c. Providing notice to local government officials pursuant to section 53A-3-409(3)(b). These officials include the mayor (or designee of the mayor) of any municipality that is partly or entirely within the boundaries of the school district, the county commission chair, and county manager or designee of that official. This notice may be provided by mail, e-mail, or some other means the official has agreed to.
  - d. Posting to the Utah Public Notice Website as referenced in Utah Code 63F-1-701
4. When because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature, the notice requirements of Section 52-4-202 (5) may be disregarded and the best notice practicable given. No such emergency meeting of a public body shall be held unless an attempt has been made to notify all of its members and a majority votes in the affirmative to hold the meeting.

**52-4-203. Minutes of Open Meetings – Public Records – Recording of Meetings**

1. Written minutes and recordings shall be kept of all open meetings. Such minutes shall include:
  - a. The date, time and place of the meeting.
  - b. The names of members present and absent;
  - c. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;
  - d. The names of all citizens who appeared and the substance in brief of their testimony;
  - e. Any other information that any member requests may be entered in the minutes.
2. Written minutes and recordings shall be kept of all closed meetings. Such minutes shall include:
  - a. The date, time and place of the meeting;
  - b. The names of members present and absent;
  - c. The names of all others present except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.
3. The minutes are public records and shall be available within a reasonable time after the meeting.
4. All, or any part, of an open meeting may be recorded by any person in attendance: provided, the recording does not interfere with the conduct of the meeting.

**52-4-302. Suit to Avoid Final Action – Limitation – Exceptions**

Any final action taken in violation of sections 52-4-201, 52-4-202, or 52-4-207 is voidable by a court of competent jurisdiction. Suit to void final action shall be commenced within 90 days after the date of the action except that with respect to any final action concerning the issuance of bonds, notes, or other evidences of indebtedness suit shall be commenced within 30 days after the date of the action.