Open and Public Meetings Act: InTech Collegiate Governing Board

Legally Required Compliance

The InTech Collegiate Governing Board is required to comply with the Utah Open and Public Meetings Act (UCA 54-4).

General Meeting Provisions

1) Board actions and deliberations must be conducted in open and public board meetings.
2) Board Meetings are open to the public unless closed in accordance with law.
3) Workshops or executive sessions must be held on the same day and in the same location as the regular board meeting unless moved in accordance with law.
4) Action may only be taken on items that are listed on a meeting agenda that has been issued according to public meeting notice requirements.
5) Written minutes and an audio or audio/video recording shall be kept of all open meetings (and closed meetings in accordance with law).

Definitions

1) “Meeting” means the convening the InTech Collegiate Governing Board including a workshop or an executive session for the purpose of discussing, receiving comments from the public about, or acting upon a matter over the Board has jurisdiction or advisory power.

2) “Meeting” does not mean a chance gathering or social gathering, even if a quorum is present. However, chance or social meetings may not be used to circumvent Open Meetings Law.

3) “Quorum” means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

4) “Quorum” does not include a meeting of two officials by themselves when no action, either formal or informal, is taken.

5) “Recording” means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

Board Meeting Notice Requirements

Required Annual Meeting Calendar Notification

1) Web posting of annual Board Meeting calendar
2) Specifies meeting dates, times, and locations

Meeting Notice

1) Give at least 24 hours notice of each meeting
    a. Emergency exceptions must follow provisions in statute

2) The notice of meeting shall include:
    a. Agenda; with reasonable specificity of each topic
    b. Date
    c. Time
    d. Place

3) Posting/dissemination requirements:
    a. Posted at InTech main office
    b. Posted on the Utah Public Meeting Notice website
    c. Provided to at least one local newspaper (through PMN)

Board Meeting Minutes/Recordings

Minutes Generally

1) Approved minutes are the official record of the meeting
2) Minutes of the previous meeting should be approved at each meeting
3) Minutes must meet long-term storage/archival requirements

Minutes Content

1) Must include:
    a. Meeting date, time, and place
    b. Names of members present/absent
    c. Substance of all matters proposed, discussed, or decided
    d. Record, by member, of each vote
    e. Name of each person who is not a member of Board and has been recognized to provide testimony/comment
    f. Substance of testimony/comments
    g. Any other info requested by a Board member to be entered into the minutes or recording.
2) May include:
    a. Summary of comments made by members
3) Required Attachments (or links):
    a. Information presented publicly at a Board meeting

Audio or Audio/Video Recordings

1) Must be a complete and unedited record of all open portions of meeting
2) Must be properly labeled with the date/time/place of meeting

Posting Minutes/Recordings

1) Pending Minutes
    a. “Pending” minutes shall be clearly indicated as such
    b. Pending minutes must be available to public within 30 days
2) Approved Minutes (and public materials)
    a. Posted/linked to state website within 3 business days
    b. Available at the InTech main office within 3 business days
3) Recordings
    a. Posted/linked to state website within 3 business days

Closed Board Meeting/Executive Session

Authorized Purposes (applicable to InTech Collegiate Academy)

1) Discussion of the character, professional competence, or physical or mental health of an individual
2) Strategy session to discuss collective bargaining
3) Strategy session to discuss pending or reasonable imminent litigation
4) Strategy sessions to discuss the purchase, exchange or lease of real property,
    a. If public discussion would;
        i. Disclose the appraisal or estimated value of the considered property.
        ii. Prevent the public body from completing the transaction on the best possible terms
5) Strategy sessions to discuss the sale of real property
    a. (See more info in UCA 54-4-205, if InTech ever has real property)
6) Discussion regarding deployment of security personnel, devices, or systems
7) Investigative proceedings regarding allegations of misconduct
8) Deliberations when the board acts in the capacity of
    a. An evaluation committee under Title 63G (Utah Procurement Code) during the process of evaluating responses to a solicitation
    b. But **not including** simple information gathering activities
9) Considering a loan application
    a. If the public discussion of the loan application would disclose
        i. Non-public personal financial information

Closing of Meeting

1) Quorum must be present
2) 2/3 of members present must vote to close meeting
3) Each matter discussed in the closed meeting must be specifically permitted
4) Policies, contracts, or appointments may not be approved in closed session
5) The following must be publicly announced and entered on the minutes of the open meeting:
    a. Reason(s) for closing the meeting
    b. Location where closed meeting will be held
    c. Vote, by name, or each member of the board on the motion to close
6) No law requires that any item be closed to public

Recording of Closed Meeting

1) Audio recording of entire meeting is required
    a. Exception: Character, competence, health of individual
    b. Exception: Placement of security
    c. Must include the date, time, place of meeting
    d. Must include the names of all members present and absent

    e. Must include the names of all others present except when such would infringe upon confidentiality that made the closed session necessary
2) ***May*** keep detailed written minutes
3) Recordings and minutes must be in a format for long-term storage
4) Recordings and written minutes of closed meetings are protected, but may be disclosed under court order
5) In the event of an exception to audio recording/minutes, the Board Chair must sign a sworn statement affirming that the sole purpose of the closed meeting was to discuss the character, competence, or health of individual; or, placement of security, and that therefore the requirement to record the session does not apply.

Other Matters

Required Annual Training

1) The InTech Governing Board Chair shall ensure that the members of the Board are provided with annual training on the requirements of the *Open and Public Meetings Act* (UCA 54-4).
    a. Unless otherwise assigned, the Executive Director shall provide this training.
    b. This training may be provided in a web-based format.

Board Meeting Conduct

1) Any person who willfully disrupts a board meeting to the extent that orderly conduct is seriously compromised, may be removed.
2) Independent recordings of meetings shall not interfere with the conduct of a meeting.

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