

The Role of the General Counsel in Open and Closed Meetings: A Cautionary Tale

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Our Mantra

- Know the Law
- Solve Problems
- Do the Right Thing

Utah open & Public Meetings Act

Utah Code Ann § 52-4-101

Utah Open & Public Meetings Act

Statement of Policy:

- the state, its agencies, and its political subdivisions exist to aid in the conduct of the people's business.
- it is the intent of the Legislature that the state, its agencies, and its political subdivisions take their actions and conduct their deliberations openly.

Utah Open & Public Meetings Act

Key Definitions:

- “Public Body”
 - The UTA Board of Trustees is a “public body”
 - “public body” also includes an interlocal entity or joint or cooperative undertaking
- “Meeting”
 - “meeting” means the convening of a public body, with a quorum present, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.
 - “meeting” does not mean a chance or social gathering.

Utah Open & Public Meetings Act

Basic Requirements:

- With limited exceptions, all meetings of the UTA Board of Trustees must be open to the public
- The Board must give the public notice—agenda, date, time, and place—at least 24 hours before each meeting
- The Board may not take final action on a topic unless the topic is listed on the agenda and included with the advance public notice
- The Board must keep written minutes and a recording of all meetings, open and closed

Utah Open & Public Meetings Act

Closed Meetings:

- Upon vote of two-thirds of the members present, a “meeting” may be closed only for one of the following purposes:
 - **Personnel Actions** – discussion of the character, professional competence, or physical or mental health of an individual;
 - **Labor** – strategy sessions to discuss collective bargaining;
 - **Litigation** – strategy sessions to discuss pending or reasonably imminent litigation;
 - **Real Property** – strategy sessions to discuss the purchase, sale, exchange, or lease of real property if public discussion of the transaction would disclose the appraised or estimated value of the property or prevent the public body from completing the transaction on the best possible terms;
 - **Security** – discussion regarding the deployment of security personnel, devices, or systems;
 - **Criminal Investigations** – investigative proceedings regarding allegations of criminal misconduct; or
 - **Procurement Actions** – discussions incident to an evaluation committee, protest officer, appeals panel, trade secrets, etc.

Utah Open & Public Meetings Act

Closed Meetings:

- The reason(s) for holding a closed meeting must be publicly announced and entered on the minutes
- An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during a closed meeting

Utah Open & Public Meetings Act

Violations of the Act:

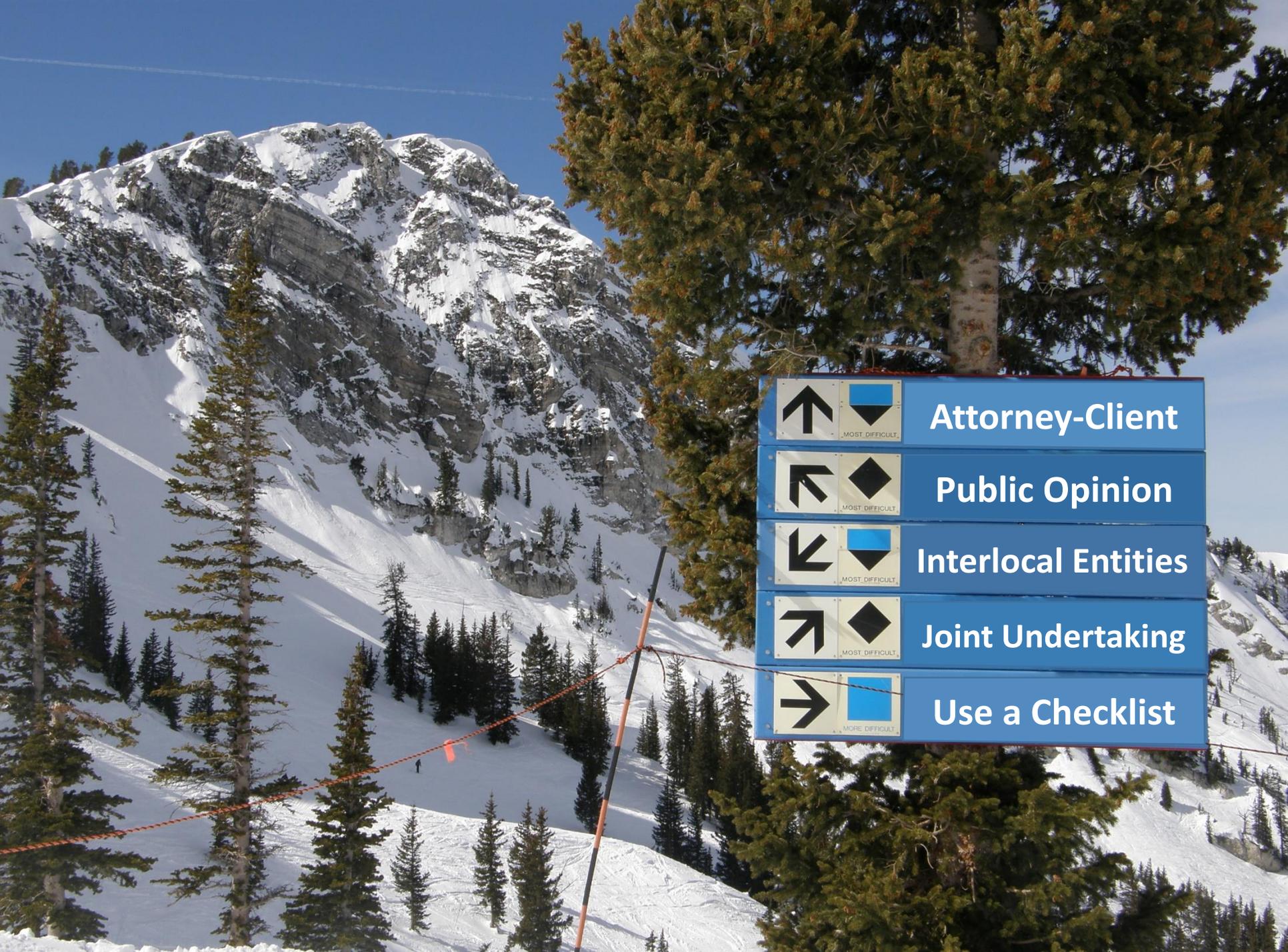
- Any final action taken in violation of the Act is voidable by a court
- It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions

CAUTION !!
◆ EXPERT ONLY AREA ◆
THIS GATE ACCESS AREA
REQUIRES EXPERT SKIING ABILITY.
THE AREA CONTAINS MANY
UNMARKED DANGERS INCLUDING
EXPOSED ROCKS, CLIFFS,
STEEP SLOPES, TREES, AVALANCHES,
AND CONSTANTLY CHANGING
SNOW CONDITIONS.
YOU ARE RESPONSIBLE FOR
DECIDING TO SKI / RIDE IN THIS
AREA AND YOU ACCEPT THE
RISKS OF INJURY.
ASK SKI PATROL IF YOU HAVE
ANY QUESTIONS.

**EXPERTS
ONLY**

**NO
HIKING
ABOVE THE
TRAVERSE**

Cautionary Tales



-   **Attorney-Client**
-   **Public Opinion**
-   **Interlocal Entities**
-   **Joint Undertaking**
-   **Use a Checklist**

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MOST DIFFICULT

MOST DIFFICULT

MORE DIFFICULT

Questions?

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