

1 Rule 2-103. Open and closed ~~Council~~ meetings.

2 Intent:

3 To establish the Council's responsibility for providing public notice of its meetings  
4 and to ensure the opportunity for public attendance at Council meetings.

5 To establish procedures consistent with the philosophy of the Utah Open and Public  
6 ~~and Open~~ Meetings Act.

7 To provide the Council with sufficient flexibility to close meetings when discussing  
8 matters of a sensitive nature.

9 Applicability:

10 This rule shall apply to all meetings of the Council.

11 Statement of the Rule:

12 (1) Definitions. As used in this rule:

13 ~~(1)(A)~~ "Mmeeting" means the gathering of a quorum of the Council, whether ~~corporal~~  
14 in person or by means of electronic ~~equipment communication~~, for the purpose of  
15 discussing or acting upon any matter over which the Council has jurisdiction, but does  
16 not include a chance or social meetings of ~~the~~ Council members.

17 ~~(1)(B)~~ "Public notice" may be satisfied by:

18 ~~(1)(B)(i)~~ posting written notice of the date, time, place, and agenda of the meeting at  
19 the Administrative Office; and

20 ~~(1)(B)(ii)~~ providing notice of the date, time, place, and agenda of the meeting to at  
21 least one newspaper of general circulation within the state or to a local media  
22 correspondent.

23 (2) Public notice of meetings.

24 ~~(2)(A)~~ The Council shall give public notice of its meetings at the beginning of each  
25 calendar year for which the Council has scheduled its meetings in advance. The Council  
26 shall give public notice of its meetings at least 24 hours before the time scheduled for  
27 the meeting. After the Council has set its annual meeting schedule, the administrative  
28 office of the courts shall post the date, time and place of the meetings on the courts'  
29 website. At least 24 hours before each meeting, the administrative office of the courts  
30 shall post on the website the meeting agenda and notify at least one newspaper of  
31 general circulation within the state of the postings. The administrative office of the

32 courts shall notify a media agency of the postings by email upon request for routine  
33 notice. The Council may address a matter not on the meeting agenda but will take no  
34 final action on the matter.

35 (2)(B) When, due to unforeseen circumstances, it is necessary for the Council to  
36 consider matters of an urgent nature, the requirement of public notice may be  
37 suspended and the best notice practicable given. No such meeting of the Council shall  
38 be held unless:

39 (2)(B)(i) an attempt has been made to notify all members;

40 (2)(B)(ii) at least a quorum is present; and

41 (2)(B)(iii) a majority of those present vote to hold the meeting.

42 (3) Open meetings. Meetings of the Council are open to the public unless closed as  
43 provided in this rule.

44 (4) Reasons for closed meetings.

45 A closed meeting of the Council may be held for discussions regarding any of the  
46 following:

47 (4)(A) the character, competence, or physical or mental health of an individual;

48 (4)(B) collective bargaining or litigation;

49 (4)(C) the purchase, exchange or lease of real property ~~when if~~ public discussion of  
50 the transaction would disclose the appraisal or estimated value of the property under  
51 consideration or prevent the Council from completing the transaction on the best  
52 possible terms;

53 (4)(D) the sale of real property ~~when if~~:

54 (4)(D)(i) public discussion of the transaction would disclose the appraisal or  
55 estimated value of the property under consideration or prevent the Council from  
56 completing the transaction on the best possible terms;

57 (4)(D)(ii) the Council has previously given public notice that the property would be  
58 offered for sale; and

59 (4)(D)(iii) the terms of the sale are publicly disclosed before the Council approves  
60 the sale;

61 (4)(E) deployment of security personnel or devices; or

62 (4)(F) allegations of criminal misconduct.

63 (5) Procedure for closing a meeting.

64 (5)(A) A closed meeting may be held only upon the affirmative vote of two-thirds of  
65 the members present at an open meeting for which public notice is given, provided a  
66 quorum is present.

67 (5)(B) ~~If~~ The recording and minutes otherwise required by Rule 2-104 shall not be  
68 made if a meeting is closed to discuss the character, competence, or physical or mental  
69 health of an individual or to discuss the deployment of security personnel or devices,  
70 ~~the.~~ The presiding officer shall sign a sworn statement, which is a public record,  
71 affirming that the sole purpose for closing the meeting ~~was~~ is to discuss the character,  
72 competence, or physical or mental health of an individual or the deployment of security  
73 personnel, devices, or systems.

74 (6) Limit on actions at a closed meeting. No contract, appointment, rule or resolution  
75 may be approved at a closed meeting. A contract, appointment, rule or resolution  
76 approved at an open meeting may be based upon discussions had at a closed meeting.

77 (7) Right of removal. All or any part of an open meeting may be recorded by any  
78 person in attendance, provided the recording does not interfere with the conduct of the  
79 meeting. ~~This rule shall not prohibit~~ The Council may order the removal of any person  
80 who disrupts a meeting ~~of the Council~~.

81 (8) The administrative office of the courts shall annually train the members of the  
82 Council on the requirements of this rule and of Rule 2-104.

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