

1       **Rule 2-103. Open and closed 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 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 "meeting" means the gathering of a quorum of the  
13 Council, whether in person or by means of electronic communication, for the purpose of  
14 discussing or acting upon any matter over which the Council has jurisdiction, but does  
15 not include a chance or social meeting of Council members.

16      (2) Public notice of meetings.

17      (2)(A) After the Council has set its annual meeting schedule, the administrative office  
18 of the courts shall post the date, time and place of the meetings on the courts' website.  
19 At least 24 hours before each meeting, the administrative office of the courts shall post  
20 on the website the meeting agenda and notify at least one newspaper of general  
21 circulation within the state of the postings. The administrative office of the courts shall  
22 notify a media agency of the postings by email upon request for routine notice. The  
23 Council may address a matter not on the meeting agenda but will take no final action on  
24 the matter.

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

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

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

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

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

34 (4) Reasons for closed meetings.

35 A closed meeting of the Council may be held for discussions regarding any of the  
36 following:

37 (4)(A) the character, [professional](#) competence, or physical or mental health of an  
38 individual;

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

40 (4)(C) the purchase, exchange or lease of real property if public discussion of the  
41 transaction would disclose the appraisal or estimated value of the property under  
42 consideration or prevent the Council from completing the transaction on the best  
43 possible terms;

44 (4)(D) the sale of real property if:

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

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

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

52 (4)(E) deployment of security personnel or devices; ~~or~~

53 (4)(F) allegations of criminal misconduct; [or](#)

54 [\(4\)\(G\) consideration of a private, protected, sealed, juvenile court social or juvenile](#)  
55 [court legal record as defined in Rule 4-202.02.](#)

56 (5) Procedure for closing a meeting.

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

60 (5)(B) The recording and minutes otherwise required by Rule 2-104 shall not be  
61 made if a meeting is closed to discuss the character, competence, or physical or mental  
62 health of an individual or to discuss the deployment of security personnel or devices.

63 The presiding officer shall sign a sworn statement, which is a public record, affirming  
64 that the sole purpose for closing the meeting is to discuss the character, competence, or  
65 physical or mental health of an individual or the deployment of security personnel,  
66 devices, or systems.

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

70 (7) Limit on discussions outside of closed meeting. No one who attends a closed  
71 meeting may disclose information discussed or materials distributed outside of the  
72 closed meeting except with

73 (A) others who participated in the closed meeting, and

74 (B) a member of the Judicial Council.

75 (8) Right of removal. All or any part of an open meeting may be recorded by any  
76 person in attendance, provided the recording does not interfere with the conduct of the  
77 meeting. The Council may order the removal of any person who disrupts a meeting.

78 (9) The administrative office of the courts shall annually train the members of the  
79 Council on the requirements of this rule and of Rule 2-104.

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