

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 publish [on the court's website and on the Utah Public Notice Website](#)
19 the date, time and place of the meetings ~~on the courts' website~~. At least 24 hours before
20 each meeting, the administrative office of the courts shall post on the websites the
21 meeting agenda and notify at least one newspaper of general circulation within the state
22 of the postings. The administrative office of the courts shall notify a media agency of the
23 postings by email upon request for routine notice. The Council may address a matter
24 not on the meeting agenda but will take no final action on 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;

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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