



— Moving Utah Forward —

# OPEN & PUBLIC MEETINGS

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## BP-01 OPEN & PUBLIC MEETINGS

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### I. Revision Table

Version	Effective Date	Revision Author	Summary of Revisions
1.1	August 24, 2022	Jill Flygare	Updated to new policy template; Updated recommended changes to policy
2.0	August 21, 2023	Amy Brown Coffin	Merged with BP-02 Electronic Meetings and BP-05 Meeting Transparency; Added definitions and roles & responsibilities and references; Updated public commentary process; Added information on draft project area and budget hearing notification requirements; Included Electronic Meeting rule; Added section on Written Public Comment
2.1		Larry Shepherd	Fixed links; Added Training section; Removed redundancy of information in Electronic Meetings ; Updated posting of budget materials to three days prior

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### II. Purpose Statement

The purpose of this policy is to ensure compliance with the Open and Public Meeting statute.

### III. Regulatory / Legislative Requirements

- UCA 52-4 Open and Public Meetings Act <https://le.utah.gov/xcode/Title52/Chapter4/52-4.html>
- UCA 11-58-502 Public meeting to consider and discuss draft project area plan -- Notice -- Adoption of plan. <https://le.utah.gov/xcode/Title11/Chapter58/11-58-S502.html>
- UCA 11-58-801 Annual port authority budget -- Fiscal year -- Public hearing required -- Auditor forms -- Requirement to file annual budget. <https://le.utah.gov/xcode/Title11/Chapter58/11-58-S801.html>

### IV. Scope

This policy covers implementation of guidelines for the Open and Public Meetings Act and practices to ensure orderly and efficient public participation in UIPA board meetings.

### V. References

- BP-06 Board Policy Review: <https://inlandportauthority.utah.gov/board-info/#policies>
- UIPA Written Public Comment: <https://inlandportauthority.utah.gov/contact/>

### VI. Definitions

Term	Definition
Meeting	Means the convening of a public body, with a quorum present, including a workshop or an executive session whether the meeting is

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	<p>held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public, or acting upon a matter over which the public body has jurisdiction or advisory power.</p> <p>A meeting is NOT a chance meeting or social event.</p>
Public Body	<p>Means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that are created by the Utah Constitution, statute, rule, ordinance, or resolution. Consists of two or more persons, expends, disburses, or is supported in whole or in part by tax revenue; and is vested with the authority to make decisions regarding public interest.</p>
Quorum	<p>Means a simple majority of the membership of the public body.</p> <p>A quorum is NOT a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.</p>

## VII. Roles & Responsibilities

Role	Responsibility
Board Chair	<p>Approve agenda, convene and conduct board meetings, Determine if public commentary is held (except for budget hearings and board policy review) and duration of public commentary time</p>
Board Secretary	<p>Creates meeting agendas, provides meeting notification to board members and public, arranges meeting locations, provides electronic meeting access, facilitates meeting flow, prepares meeting recordings and minutes, maintains files of meeting recordings, minutes, adopted resolutions, public comments and other documentation of official board actions.</p>

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### VIII. Policy

The provisions outlined in this policy govern any public meeting at which a quorum of the Utah Inland Port Authority (UIPA) board is present and was publicly noticed in accordance with Utah Code 52-4.

### IX. Public Notice

UIPA board shall give notice of all public meetings, except for meetings that consider and discuss a project area draft, a minimum of 24 hours in advance of the meeting. Pursuant to UCA 11-58-502, notice is required a minimum of 10 days in advance of the meeting when a draft project area plan or amendment is considered and discussed. The public notice shall include:

1. Agenda,
2. Date of the meeting,
3. Time, and
4. Location.

### X. Minutes

Pending minutes of public meetings and audio recordings of the open portion of each meeting will be posted to the Public Notice Website as well as the UIPA website within three (3) working days following the meeting and final, written minutes will be posted after approval by the board.

Pursuant to Utah Code Ann. § 52-4-203(4)(e), pending minutes must be available to the public within 30 business days after holding an open meeting and final approved minutes must be posted within 3 business days after approval.

### XI. Closed Sessions

The board may hold executive (closed) sessions if:

1. A quorum is present,
2. Meeting is in an open meeting that was properly noticed, and

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3. Two-thirds of the members of the board present at the open meeting vote to approve closing the meeting.

Additionally, the board chair must announce the specific reason(s) for holding the closed meeting, the location of the meeting and the vote, by name, of each member of the board as they voted to close the meeting. This information must be entered into the minutes of the open meeting at which the closed meeting was approved.

The board may not take any official action, motion or vote while in a closed meeting.

Executive sessions may only be held for one of the purposes outlined in Utah Code Ann. § 52-4-205, as amended.

All open meetings and most closed meetings must be recorded as required by Utah Code Ann. §§ 52-4-203 and 52-4-206. For closed meetings that are not required by Utah Code Ann. §§ 52-4-206(6) to be recorded, the chair of the UIPA board will sign an affirming statement at the end of each executive session as to the purpose of the meeting and discussions.

### XII. Training

The board will receive training annually on the Open and Public Meetings Act.

### XIII. Electronic Meetings

On July 30, 2018, the board of the Utah Inland Port Authority adopted an electronic meeting policy and rule as follows:

- A. These provisions govern any public meeting at which one or more members of the Inland Port Authority Board may appear electronically or telephonically pursuant to Utah Code 52-4-207.
- B. The meeting notice will specify the anchor location where members of the board not participating electronically or telephonically will be meeting and where interested persons and the public may attend, monitor, and where applicable may participate in the open portions of the meeting.
- C. Board members are permitted to participate electronically or telephonically. Board members should give reasonable notice to the chair of intent to

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participate electronically or telephonically. Any member of the board appearing electronically or telephonically will be counted as present for purposes of a quorum and may fully participate in the discussion and vote on any matter. At the commencement of the meeting and when any member of the board appears electronically or telephonically the chair will identify for the record all those who are appearing telephonically or electronically. Should there be any ambiguity in votes cast, the chair will confirm on the record any votes by members of the board who are not at the physical location of the meeting.

### Without Anchor Location

UIPA’s board may convene and conduct an electronic meeting without an anchor location if the chair:

1. Makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
2. States in the written determination the facts upon which the determination is based;
3. Includes in the public notice for the meeting, and reads at the beginning of the meeting the information described in paragraphs (1) and (2) above; and
4. Includes in the public notice information on how a member of the public may view or make a comment at the meeting.

### With Anchor Location

The board may convene and conduct an electronic meeting with an anchor location if:

1. The meeting notice will specify the anchor location where members of the board not participating electronically or telephonically will be meeting; and
2. Where interested persons and the public may attend, monitor, and where applicable may participate in the open portions of the meeting.

## XIV. Agenda

1. Any member of the board may request agenda items (i.e.: discussion topics, presentations, motions, etc.);
2. Agenda will be drafted by the Board Secretary, approved by Chair/Vice Chair;
3. Agenda will include the topics to be discussed with reasonable specificity;

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4. Final agendas will be posted to the public notice website and the UIPA website no later than 24 hours prior to the start of the proposed board meeting;
5. Publicly available documents will be posted to the UIPA website prior to the start of the proposed board meeting;
6. All board related documents will be provided to the board 48 hours prior to the start of the proposed board meeting, unless the board meeting is an Emergency Meeting; and,
7. The board may not take action on any item not listed on the agenda. However, at the Chair’s discretion topics raised by the public but not on the agenda may be discussed during an open meeting. Items may be placed on a future agenda for action.

### XV. Public Commentary

Pursuant to UCA 52-4, the Open & Public Meetings Act does not require the Utah Inland Port Authority to provide for public comment and allows UIPA discretion governing public comment. While the Utah Inland Port Authority is not required to hold public comment, the port will strive to accommodate public commentary. Pursuant to BP-06 Board Policy Review, UIPA will allow for public comment on any new policy or policy revision. In addition, at the discretion of the UIPA Board Chair, public commentary may be held and will be noted with reasonable specificity on the agenda.

If the meeting is being held as an electronic meeting with an anchor location, the public comment period will allow in-person public commenters first, and, if there is time and at the discretion of the chair, virtual commenters. The UIPA Board Chair may prioritize community members affected by project area presentation, creation, or amendment.

Depending on meeting constraints, not all members of the public who wish to comment may be allowed to participate. The chair, in their sole determination, may alter any portion of the public comment period based on topic, time, or other considerations.

To facilitate a respectful and safe environment, and to allow an orderly, efficient, and effective process, the board has implemented the following procedures when the public comment period is held:

#### In-Person

- Each member of the public wishing to participate in the public comment period will complete a comment card;

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- Cards will be numbered as they are turned into staff;
- Comments are limited to 2 minutes per person;
- Comments shall be directed to the Chair;
- Individuals may only speak once during public comment period; and,
- Public comment period is limited to the time allotted for comment during the board meeting.

### Online/virtual

- Use the “raise your hand” option when directed by the Chair;
- No additional members of the public will be added to the queue once the public comment period begins;
- Comments are limited to 2 minutes per person;
- Comments shall be directed to the Chair;
- Individuals may only speak once during public comment period; and,
- Public comment period is limited to the time allotted for comment during the board meeting.

### Written Comment

At any time, public comments and questions may also be submitted via the UIPA website. Written public comments submitted to the UIPA website are distributed to the board and will be included in the board meeting minutes.

## XVI. Public Hearing

The purpose of a public hearing is to provide the public with specific information on the budget and to allow public comment.

1. The public hearing notice must be posted in a newspaper of general circulation within the state at least one week prior to the public hearing;
2. The budget must be posted on the public notice website at least three days prior to the public hearing;
3. The budget must contain revenues and expenditures including:
  - a. Legal fees, rent, office supplies, other materials, and personnel;
4. The budget will be presented by staff;
5. Members of the public may comment on the budget
  - a. Comments are limited to the topic of the budget only during a public hearing;

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- b. Comments are limited to 2 minutes per person;
- c. Individuals may only speak once during public comment period; and,
- d. Public comment period is determined by the UIPA Board Chair.

### XVII. Rules of Decorum

In order to support a respectful meeting, items that disrupt the meeting, intimidate other participants or cause safety concerns are not allowed.

- Jeering, cheering, clapping and waving signs;
- Generally, props and equipment are not allowed, if you have a prop or piece of equipment integral to a presentation, you are required to clear it with a staff member before entering the room;
- If you have questions about proper placement of recording equipment or recording in general, coordinate with staff prior to the meeting to ensure it does not disrupt the meeting;
- Staff may request changes or placement of any equipment to facilitate the meeting;
- Board members are encouraged to refrain from transmitting text messages to other members of the board during an open meeting;
- If you have written remarks, documents, or other items you may want the board to review, do not approach the dais. Staff will take any information you have in hard copy and distribute or you may follow the [Written Public Comment](#) instructions section set forth in this policy; and,
- Failure to follow rules of decorum may result in removal from the meeting.

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