

1 **Rule 2-103. Open and closed meetings.**

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3 **Intent:**

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

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

9
10 To provide the Council with sufficient flexibility to close meetings when discussing matters of a
11 sensitive nature.

12
13 **Applicability:**

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

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16 **Statement of the Rule:**

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18 (1) **Definitions.** As used in this rule, "meeting" means the gathering of a quorum of the Council,
19 whether in person or by means of electronic communication, for the purpose of discussing or
20 acting upon any matter over which the Council has jurisdiction, but does not include a chance or
21 social meeting of Council members.

22
23 **(2) Public notice of meetings.**

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25 (2)(A) After the Council has set its annual meeting schedule, the administrative office of
26 the courts shall publish on the court's website and on the Utah Public Notice Website the
27 date, time and place of the meetings. At least 24 hours before each meeting, the
28 administrative office of the courts shall post on the websites the meeting agenda, ~~and~~
29 ~~notify at least one newspaper of general circulation within the state of the postings.~~ The
30 administrative office of the courts shall notify a media agency of the postings by email
31 upon request for routine notice. The Council may address a matter not on the meeting
32 agenda but will take no final action on the matter.

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

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

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

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

44
45 **(3) Open meetings.** Meetings of the Council are open to the public unless closed as provided in
46 this rule.

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48 **(4) Reasons for closed meetings.** A closed meeting of the Council may be held for
49 discussions regarding any of the following:

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- 51 (4)(A) the character, professional competence, or physical or mental health of an
52 individual;
- 53
- 54 (4)(B) collective bargaining or litigation;
- 55
- 56 (4)(C) legal advice of counsel;
- 57
- 58 (4)(~~DC~~) the purchase, exchange or lease of real property if public discussion of the
59 transaction would disclose the appraisal or estimated value of the property under
60 consideration or prevent the Council from completing the transaction on the best
61 possible terms;
- 62
- 63 (4)(~~DE~~) the sale of real property if:
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- 65 (4)(~~ED~~)(i) public discussion of the transaction would disclose the appraisal or
66 estimated value of the property under consideration or prevent the Council from
67 completing the transaction on the best possible terms;
- 68
- 69 (4)(~~ED~~)(ii) the Council has previously given public notice that the property would
70 be offered for sale; and
- 71
- 72 (4)(~~ED~~)(iii) the terms of the sale are publicly disclosed before the Council
73 approves the sale;
- 74
- 75 (4)(~~FE~~) deployment of security personnel or devices;
- 76
- 77 (4)(~~GF~~) allegations of ~~criminal~~ misconduct; or
- 78
- 79 (4)(~~HG~~) consideration of a private, protected, sealed, juvenile court social, juvenile court
80 legal, or safeguarded record as defined in Rule 4-202.02.

81

82 **(5) Procedure for closing a meeting.**

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

87

88 (5)(B) The recording and minutes otherwise required by Rule 2-104 shall not be made if
89 a meeting is closed ~~to discuss the character, competence, or physical or mental health~~
90 ~~of an individual or to discuss the deployment of security personnel or devices.~~ The
91 presiding officer shall sign a sworn statement, which is a public record, affirming that the
92 sole purpose for closing the meeting is to discuss ~~the character, competence, or physical~~
93 ~~or mental health of an individual or the deployment of security personnel, devices, or~~
94 ~~systems~~ one of the issues outlined in paragraph (4).

95

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

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100 (7) **Limit on discussions outside of closed meeting.** No one who attends a closed meeting
101 may disclose information discussed or materials distributed outside of the closed meeting
102 | except with:

103
104 (7)(A) others who participated in the closed meeting, and

105
106 (7)(B) a member of the Judicial Council.

107
108 (8) **Right of removal.** All or any part of an open meeting may be recorded by any person in
109 attendance, provided the recording does not interfere with the conduct of the meeting. The
110 Council may order the removal of any person who disrupts a meeting.

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

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115 | *Effective ~~November~~ May 1, 20224*

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