

*The Board of Trustees
of the
School and Institutional Trust Lands Administration*

Policy Statement No. 2020-02

Subject: Public Notices of Board Meetings

The Board of Trustees (the “Board”) of the School and Institutional Trust Lands Administration (the “Administration”), by majority vote in open, public meeting on September 10, 2020, declares the following to be an official policy of the Board regarding public notices for Board meetings.¹

Purpose: This Policy Statement No. 2020-01 is to guide the content and publication of public notices of Board meetings to ensure that:

- public notices, at the minimum, comply with the Open and Public Meetings Act, Title 52, Chapter 4, Utah Code (the “Act”);
- public notices are posted properly;
- Board actions are taken openly;
- deliberations are conducted openly except in cases where a closed meeting is permitted;
- Board agendas provide reasonable specificity to give public notice of topics to be discussed and considered at Board meetings; and
- Board meeting agendas contain sufficient information regarding the closed meeting topics to meet public need.

Publication of Notice:

- The Administration shall publish notice of Board meetings in compliance with Utah Code § 52-4-202.
- As a matter of regular practice, the Board will endeavor to publish notices 10 days prior to the meeting.
- Any substantive change to the contents of the public notice must be published no less than 24 hours in advance of the Board meeting.
- The Administration shall use best efforts to ensure that public notices are completely accurate when published.
 - If minor errors in a notice are discovered within 24 hours of the Board Meeting, and such errors do not impair the ability of the public to meaningfully participate in a Board Meeting with respect to a topic on the agenda, the Administration may correct the error by amending the public notice.

¹ “Meeting” is defined in Utah Code § 52-4-103(6) (2019).

- If the Administration discovers an error in the public notice after the 24 hour cutoff time, and such error would impair the ability of the public to meaningfully participate in the meeting with respect to a topic on the agenda, the Board may not take up that topic at the scheduled meeting.
- If the Administration discovers an error in the public notice after the Board meeting and such error could have impaired the ability of the public to meaningfully participate in the Board meeting with respect to a topic discussed, noticed, or decided at the meeting, the Administration shall give proper notice of and schedule the topic for discussion, notification, or decision at a later date.
- Notwithstanding any other provisions of this policy, the Board may hold an emergency meeting if the requirements of Utah Code § 52-4-202(5) are met.

Content of Public Notice:

- The public notice must disclose the date, time, and location of the meeting. Changes to the date, time, and location of the meeting are substantive changes and such changes cannot be made within 24 hours of a Board meeting, except that the Board may cancel a meeting at any time. If the Board cancels a meeting within 24 hours of the posted date, time, and location, the Administration shall use best efforts to give public notice of the cancellation as soon as reasonably possible and to the extent possible publish notice to the Utah Public Notice Website of the cancellation prior to the listed date and time of the cancelled meeting.
- The public notice must include an agenda.

Creation and Contents of Agendas:

- The Board chair, or the chair's designee, and the Administration, are jointly responsible for creating Board meeting agendas.
- Agendas must:
 - list all topics requiring Board action;
 - list all topics to be considered by the Board in open session; and
 - list all notification or discussion items the Administration intends to bring to the attention of the Board in open session.
- Open session items must be listed with reasonable specificity to provide public notice of the topics to be considered at the meeting.
- If the Board is aware in advance of publishing notice that it intends to close a meeting:
 - the agenda must note that the Board intends to hold a closed session and indicate the applicable statutory reason for closing the meeting; and
 - the agenda must include details concerning the topic of the closed session that will permit the public or other parties to determine whether they have an interest in the topic to be discussed, so long as the additional detail provided does not disclose information that violates the purposes for which the meeting is to be closed.

- By way of example: if a meeting is closed to discuss the leasing of real property pursuant to Utah Code § 52-4-205(1)(d), the agenda should disclose the location of the land at issue without disclosing any additional information that might prevent the Administration or Board from completing the transaction on the best possible terms.
- As noted above, the Board as a matter of general practice will not close a meeting to discuss a topic if the topic was not listed as an item for discussion in closed session on the agenda. However, if the Board decides that it needs to discuss an item listed on an agenda for Board action, consideration, or notification in open session and the agenda does not include notice of a closed session for that item, then so long as the discussion falls within one of the purposes for which a meeting may be closed, the Board may close the meeting to have that discussion per Utah Code § 52-4-204 or as otherwise provided by Utah law.
 - The holding of the closed meeting shall be reflected in the minutes.
- Agendas may include an entry entitled “Director’s Report.”
 - The Director’s Report serves as an opportunity for the Director of the Administration to update the Board on general developments since the prior Board meeting, or regarding progress made on ongoing topics of interest, that the Director deems warranted.
 - The Director may not raise topics or matters requiring Board action or discussion unless specifically identified on the agenda.
 - The Director’s Report may include updates to the Board on minor topics not requiring Board discussion or action, but such topics should, to the extent possible, be identified separately on the agenda under the Director’s Report heading or elsewhere on the agenda.

BY THE BOARD:



Roger Barrus, Chairman of the Board