

# PUBLIC MEETINGS & HEARINGS

## NOTICING, MOTIONS, MINUTES, & FINDINGS OF FACT

### Public Meetings & Public Hearings

- Public meetings are those open for attendance by the public. Public comment may be allowed but is not required.
  - All planning commission meetings and city council meetings are public meetings unless they convene to an executive session.
  - Executive sessions, closed to the public, may only be held under very specific circumstances. See the Closed Meetings Section below.
- Public hearings are those that are open to the public and where the public is allowed a reasonable opportunity to comment on the subject of the hearing.
  - Public hearings take place within a public meeting.
  - The hearing is for a specific application, ordinance change, general plan amendment, etc.
  - Comments should be specifically about that item and not directed to other items on the agenda.

### Closed Meetings

- Any public body may hold a closed meeting under the following conditions
  - It must begin, and be noticed, as a public meeting followed by a 2/3 majority vote to close the meeting.
  - Only those things allowed under [Section 52-4-205](#) of State Code can be discussed in the closed meeting.
  - No ordinance, resolution, rule, regulation, contract, or appointment may be approved in the closed meeting.

### Noticing Requirements

- **Public Meetings**
  - When: No less than 24 hours before the meeting
  - Where: At the principle office of the public body or the place the meeting will be held; the [Utah Public Notice website](#); and in one newspaper of general circulation.
  - What: All meetings held by the planning commission, city council, and appeal authority.
- **Public Hearings**
  - When: At least 10 days before the hearing
  - Where: Published in a newspaper; In three public locations or the City's website; On the Utah Public Meeting Notice website; Affected entities; Mail notice to property owners and adjacent property owners if the hearing is regarding a specific piece of land.
  - What: Changes to the General Plan, Land Use Ordinance, Subdivision Ordinance, Rezones, vacating, altering or amending a public right-of-way or street, other items as designated by local ordinance.

### State Code References

#### Title 52, Chapter 4: Utah Open and Public Meetings Act

##### 10-9a Part 2

- **201** Required notice.
- **202** Applicant notice - Waiver of requirements.
- **203** Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.
- **204** Notice of public hearings and public meetings to consider general plan or modifications.
- **205** Notice of public hearings and public meetings on adoption or modification of land use ordinance.
- **206** Third party notice.
- **207** Notice for an amendment to a subdivision - Notice for vacation of or change to street.
- **208** Hearing and notice for proposal to vacate a public street, right-of-way, or easement.
- **209** Notice challenge.
- **210** Notice to municipality when a private institution of higher education is constructing student housing.
- **211** Canal owner or operator -- Notice to municipality.

## Making a Motion

Decisions by a public body must be supported by substantial and factual evidence that is included in the minutes. This evidence is commonly referred to as findings of fact.

- Findings of fact for legislative decisions can be based on evidence that the decision will advance the general welfare of the public.
- Findings for an administrative decision, such as a subdivision or conditional use permit, must be based on local ordinances, adopted policies, or State laws.
- When making a motion include with it your findings of fact (reasons why you are making this decision).

## Minutes

Written minutes and a recording must be kept of all public meetings.

- Recorded minutes must be complete, unedited, and in a format that meets long-term records storage requirements.
- Written minutes must include the following:
  - The date, time, and location of the meeting; names of members present and absent;
  - A record of each vote, including the motion made and who voted for or against it
  - The substance of items discussed by the public body
  - The name of the person who provides comment and a summary of the comment

## Frequently Asked Questions

- **Can the planning commission hold closed door or executive meetings?**
  - All meetings held by a planning commission must be public according to State Code. The planning commission may hold a closed meeting if the discussed item is specifically allowed by State Code section 52-4-205. Typically a planning commission does not discuss items that require a closed meeting.
- **What happens if proper notification is not given?**
  - If no appeal is filed within 30 days then the notice is considered to be adequate and proper.

## Definitions

- **Quorum:** A simple majority of the members of a board.
- **Affected Entity:** a county, municipality, local district, special service district under Title 17D, Chapter 1, Special Service District Act, school district, interlocal cooperation entity established under Title 11, Chapter 13, Interlocal Cooperation Act, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation, if
  - (a) the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
  - (b) the entity has filed with the municipality a copy of the entity's general or long-range plan; or
  - (c) the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- **Findings of Fact:** The basis or facts upon which a decision is based.