



GARY R. HERBERT
Governor

GREGORY S. BELL
Lieutenant Governor

State of Utah Commission on Criminal and Juvenile Justice

Ronald B. Gordon, Jr.
Executive Director

September 29, 2009

Robert Gehrke
The Salt Lake Tribune
90 S. 400 W., Suite 700
Salt Lake City, UT 84101

Dear Mr. Gehrke,

This letter is in response to your request that meetings of the Utah Advisory Commission to Optimize State Government ("Advisory Commission") be open to the public. Because the Advisory Commission does not meet the four-part definition of "public body" in Utah Code Ann. § 52-4-103(7)(a), it is not subject to the requirements of the Open and Public Meetings Act.

The first element of the definition of "public body" is that the entity "is created by the Utah Constitution, statute, rule, ordinance, or resolution." Utah Code Ann. § 52-4-103(7)(a)(i). As the Advisory Commission was not created by the Utah Constitution, statute, rule, ordinance, or resolution, it does not meet that initial statutory threshold. And although Governor Herbert provided direction and objectives to the Advisory Commission, that direction does not rise to the level of being created by Utah Constitution, statute, rule, ordinance, or resolution. Failing to meet the first element of the definition of public body, the Advisory Commission is not subject to the Open and Public Meetings Act.

As the Governor has expressed, the Advisory Commission's formal recommendations will be made public at the appropriate time. In reaching many of those recommendations, it will be important for the Advisory Commission to receive input and ideas from the public. For that reason, the Advisory Commission may choose to invite the public to some meetings in order to solicit such input or to establish alternative methods to receive input.

Sincerely,

Ronald B. Gordon, Jr.
Executive Director

