

UTAH OPEN & PUBLIC MEETINGS ACT



Utah Code §§ 52-4-101 et seq.

What is OPMA?

OPMA requires that the public's business be done in public.

- It provides requirements for conducting meetings of public officials, who have the authority to make policy and budget decisions in the public's interest.
- It requires that there be notice and an open deliberative process before a public body votes on matters under its jurisdiction.
- ALL votes are taken in public.



What is a Public Body?

OPMA defines a Public body as:

Any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

1. Is created by the Utah Constitution, statute, rule, ordinance, or resolution;
Board of Tourism Development Utah Code 63N-7-201
2. Consists of two or more persons;
3. Expends, disburses, or is supported in whole or in part by tax revenue; **and**
4. Is vested with the authority to make decisions regarding the public's business.

What is a Meeting?

OPMA defines a Meeting as:

“The convening of a public body or specified body, with a quorum present, including a workshop or an executive session, whether in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.”



What isn't a meeting?

OPMA says a meeting does not mean a chance gathering or social gathering.



What is a Quorum?

“Quorum” means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

NOTE: Eight members make

a quorum for Board of

Tourism Development

Utah Code 63N-7-201



What isn't a Quorum?



Quorum does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken.

NOTICE and AGENDA

NOTICE

- At least 24 hrs. in advance of meeting;
- Posted at public body's office; and
- Posted on Utah Public Notice Website

AGENDA

- Posted with notice;
- Must be “reasonably specific” (an average person would be on notice as to all topics of discussion and action planned for the meeting).

Notice Requirements

In addition, a public body that holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once a year of its annual meeting schedule.





Records of Open Meetings

Do we have to keep minutes and/or recordings?

- **YES TO BOTH!**
- Even though there is an audio recording, the approved written minutes will be the official record.
- Include both written minutes and recording of open meetings as public records.
- Public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

Written Minutes

- Date, time, and place of meeting;
- Names of members present and absent;
- Substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments;
- Record, by individual member, of each vote taken by the public body
 - Unanimous consent (meeting minutes, motion to adjourn)
 - No votes (record who says No, or Nay)
 - Recusal
 - “You’re on mute”
 - Bad internet connections
- Name of each person who makes a public comment and the substance of the comment; and



Written Minutes

- Any other information that is a record of the proceedings of the meeting that any member requests be entered in the meetings or recording.
- Public bodies for whom members are elected must record votes in a list format, by category for each action taken by a member, including yes votes, no votes, and absent members, and by each member's name.



Electronic Meetings



Public bodies may meet by phone or other electronic means that allows participants to hear or observe communications.

- The public body must adopt by resolution, rules, or ordinance governing the use of electronic meetings, including how a quorum will be calculated in an electronic meeting.
- Notice requirements still apply.
- The public must have a means to attend or participate.
- May be held without an anchor location if it presents a substantial risk to health or safety but requires written determination by the chair of the public body.
- Roll-call vote required for non-unanimous actions.

Electronic Message Transmissions

Is a group email a meeting?

The Open Public Meetings Act does not restrict members of a public body from transmitting an electronic message to other members of the public body when the body is not in an open meeting.



Emergency Meetings



Due to unforeseen circumstances that must be articulable.

- An example might be a broken water line that cannot wait for the next scheduled meeting.
- Emergency!

Failure to comply with OPMA requirements isn't an unforeseen circumstance.

Requires best notice practicable.

Cannot be held unless an attempt has been made to notify all members of the public body and a majority of the members approve the meeting.



Closed Meetings

- A public body can go from an open meeting into a closed meeting under certain circumstances.
- 52-4-205 lists **all** of the reasons for closing an open meeting.
- A quorum must be present. A motion to close the meeting must be made, naming the specific statutory reason for closure. Then, a roll call vote must be taken. Two-thirds of the body must approve the closed meeting.
- If the closed meeting is held to discuss 52-4-205(1)(a), (1)(f), or (2), the presiding member of the public body is to execute a sworn statement that the sole purpose of the closed meeting was to discuss these issues. No recording is required.
- If the meeting is closed for any other statutory reason, a recording shall be made, and written minutes can also be made. These are protected records under GRAMA.
- **NO VOTES ARE TAKEN IN CLOSED MEETINGS**
(Except allowed to end a closed meeting)

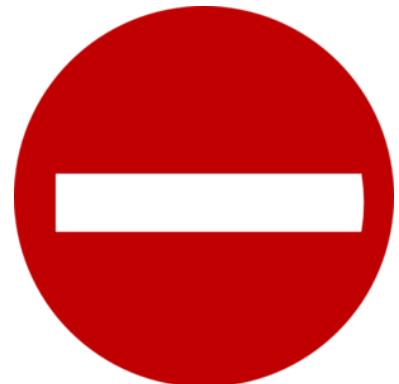
Reasons a Meeting May be Closed

1. To discuss character, professional competence, or physical or mental health of an individual (doesn't require recording if the chair signs an affidavit after);
2. To discuss collective bargaining;
3. To discuss pending or reasonably imminent litigation/legal advice;
4. To discuss the purchase, exchange, or lease of real property, if public discussion would disclose the appraisal value or prevent the transaction on the best possible terms;
5. To discuss the sale of property, if public discussion would disclose the appraisal value or prevent transaction on best possible terms as long as there's public notice of sale and terms are disclosed before the sale;
6. To discuss security personnel, devices, or systems (doesn't require recording if the chair signs an affidavit after);
7. To discuss investigative proceedings regarding allegations of criminal misconduct; and
8. A few other exceptions relating to the Legislature, Higher Education and the Utah Procurement Code.

What is Forbidden During a Closed Meeting?

You may not:

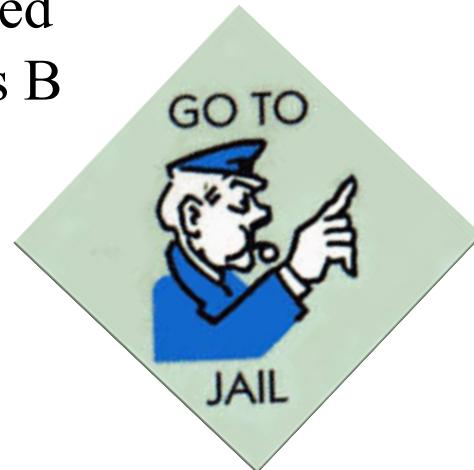
- Approve an ordinance, resolution, rule, regulation, contract, or appointment.
- Interview a person to fill an elected position.
- Take final action: Final votes must be open and on the record.



What Happens if Someone Violates OPMA?

A court can void any action in violation of the law:

- Sometimes a violation can be cured by discussing and taking a public vote in a subsequent meeting.
- May have to pay court costs and attorney fees.
- “In addition to any other penalty under this chapter, a member of a public body who intentionally violates or intentionally abets or advises in violation of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.” (6 months in jail and/or \$1,000 fine)



Remedies & Enforcement

Voiding final action

- Any final action taken in violation of Section 52-4-201*, 52-4-202*, 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.
- Must file a complaint with the court within **90 days** of final action. If the alleged violation involves bonds, notes, or other evidences of indebtedness the Complaint must be filed within **30 days**.
- **Does not apply to some notice exemptions for municipalities, special district with less than \$1 million annual budgets.*

Who can take action?

- **Attorney General and County Attorneys**
- Any party denied a right by the action taken
- Court may order compliance and enjoin violation
- **Aggrieved party may recover attorney's fees**



Disruption of Meetings

OPMA does not prohibit the removal of any person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.



Parting Tips and Helpful Suggestions:



- 24-hour notice
- Be specific with agenda items
- No “old business, new business”
- “Action taken on items discussed in closed meeting” is not enough
- Close meetings only for allowed statutory purposes and follow the process
- Provide minutes in a timely manner
- Don’t text during meetings
- Receive training once a year
- Err on the side of transparency
- When in doubt, consult your legal counsel



Board Presentation International Update

December 6, 2023



UOT/DMO Roles

- **Data/Forecasts**
Recent Efforts
 - Austria/Switzerland Mission
 - FAMs
- **FY24 Looking ahead**





71.4%

11.9%

Forecasted Growth

Visitor spending total
international
2019 to 2027

Forecasted Growth

Visits total international
2019 to 2027

Top Markets by spend

Tourism Economics

2022

- Canada
- France
- Germany
- UK
- Australia
- Italy
- Korea
- Spain
- Brazil
- China

2027 Forecast

- China
- Canada
- France
- Germany
- Australia
- United Kingdom
- Korea
- Switzerland
- India
- Mexico





Austria/Swiss Mission Travel Trade

Increase Utah's share of Focused Global Markets
(Prioritize Visitation, Distribute Visitation)

- Product development and new itineraries that promote regional travel, increase ALOS and year-round visitation
- Create opportunities for regional DMO partners to market internationally via joint efforts in market
- Secondary Markets- expanded opportunities
- B2B Meetings/Events:
 - Combined B2B/Media Event at Lindt Home of Chocolate
 - Combined B2B/Media Event at a winery in Frankfurt
 - Meetings and trainings with key tour operators such as Eurotours, Geo Reisen, Dertour, Kuoni, TUI, and CANUSA
 - Meeting with Air France, KLM, and Delta Airlines

(Austria average spend per visitor: \$2,087.89/Swiss Visitor average spend per visitor: \$1,684.54/2022)

Austria/Swiss Mission PR



Start > Reisebranche - TRAVEL INSIDE

Reisebranche - TRAVEL INSIDE TO and Retailer

Destination | People & Events

Utah – der süsse Bundesstaat

TRAVEL INSIDE - 16.11.2023

Das Utah Office of Tourism lud rund 30 Reiseprofis zu einer Präsentation im Lindt Home of Chocolate ein.

[teilen](#) [twittern](#) [mitteilen](#)

[drucken](#) [E-Mail](#)



16.11.2023 - 09:34

TRAVELNEWS
DAS NEWSPORTAL FÜR REISEN UND TOURISMUS

TRAVEL NEWS TALK

■ DESTINATIONEN



Utah zu Gast in Kilchberg, von links: Sarah Harwardt (Utah Office of Tourism), Becki Lewis (Cedar City & Brian Head), Jody Blaney (Utah Office of Tourism), Joyce Kelly (Greater Zion), Janette Peatross (Kanab), Kaden Figgins (Bryce Canyon Country), Melissa Stocks (Discover Moab) und Claudia Seidel (Utah Office of Tourism). Bild: TN

Utah – mit allen Sinnen geniessen!

16.11.2023 - 09:34

Increase awareness & consideration of Utah as an exceptional outdoor vacation destination. (Continue Powerful Branding).

Earned media coverage in print and online publications to increase high-level awareness of Utah to an out-of-state audience.

- Efforts align with domestic PR annual storytelling/pitch calendar while catering to market's audience.
- Target KPI media outlets and use Barcelona scoring principles.
- Include CTA partners/media partnerships
- FY24: Adding to Salesforce, connecting to other efforts (missions-press hosting-earned media)
- Secondary Markets- expanded opportunities
- Media Meetings/Events:
 - Media Event at a historical planetarium in Vienna
 - Combined B2B/Media event at Lindt Home of Chocolate

Austria/Swiss Mission Next Steps

Increase Utah's share of Focused Global Markets (Prioritize Visitation, Distribute Visitation)

FAM planning:

- Visit USA Austria - May 2024, *KLM/Delta/AF* sponsoring airfare. Focus on luxury properties.
- FTI Product Manager FAM - Itinerary based on partners involved in sales mission.
- DERTOURS - Phillip, head of product development, would like to visit in Spring 2024 to explore new itinerary ideas. He is Interested in participating in one of our RTO trainings.
- DERTOUR - Winter in Southern Utah Nov/Dec 2024
- CRD - New Utah Landing Page

Media

- **Swiss: Kurier** - Austria Daily Newspaper
- **Swiss: TIP Online** - Travel Industry Professional
- **Austria Miss Magazine** - 100 Years of Film - Media visit 2024
- **Austria Presse** - Daily Austrian newspaper. (NYT for Austria)
- **Austria- Kurier**
- **Frankfurt- 360° NordAmerika- Tailored Guide Books**



Past & Upcoming FAMs

Past:

- Netherlands - Columbus Travel
- Australia - DriveNow
- Germany - Discover Airlines
- United Kingdom - Armchair Explorer
- Canada - Jonny Bierman
- UOT - San Juan Educational

Upcoming:

- India - Winter in Southern UT Media in Dec.
- China - Northern UT Ski in Dec.
- United Kingdom - Product Managers in May & Sept.
- Canada - Canadian Geographic in June

2023 Recap

- 39 FAMs
- 6 from Australia, Canada & United Kingdom
- 5 from Germany, 3 from China, 2 from Mexico



USA holidays: How to make a road trip through Utah unforgettable

By Ivy Carruth
5 Aug, 2023 04:00 PM | 7 mins to read



Explore exhilarating landscapes, ancient civilisations and boundless outdoor activities. With national and state parks, Navajo cliffs and famous monuments, this Utah roadie is definitely a joyride, writes Ivy Carruth.



Best Practices

Utilize FAM Tour Playbook

Identify primary markets

Connect with Emma

Identify businesses, locations, etc. you'd like to highlight

Ask partners for comps and discounts

Meet up with FAMs when possible

Be as organized as possible and expect anything to happen :)

Follow up with participants



Feedback

Emma is gathering feedback from partners before the beginning of 2024.

- As always, the more lead time the better.
- More follow up on ROI from FAMs
- Fewer UOT members reaching out about FAMs
- More partner input on what activities participants do
- High interest in more FAMs from Australia, Canada and UK



Future Considerations

- Preferred host of 2034 Olympics
- Temple Square Opening
- SLC International Airport Rebuild
- Washington County growth, Black Desert and Iron Man
- Deer Valley Expansion
- 100 Years of Film Anniversary/Film Tourism and film opportunities
- Asian Direct Flight to SLC
- International market growth, surpassing 2019 benchmarks

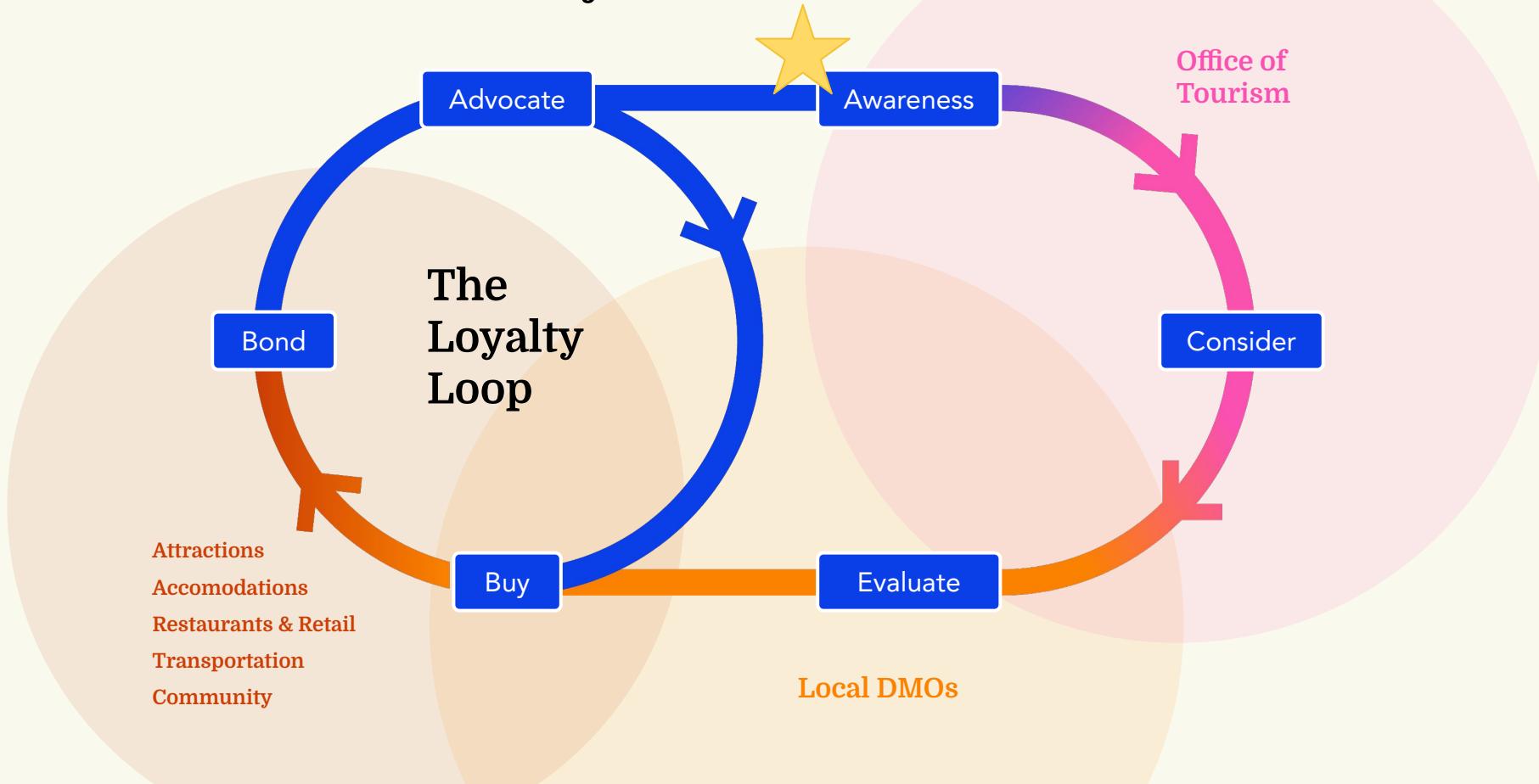


A large, rugged mountain peak with a red and orange sunset sky in the background.

Marketing Update



Role in Customer Journey





National Parks
(Southern Utah+)



Ski +



Urban & Outdoors
(Northern Utah+)

National Parks (Southern Utah+)

Promoting our Mighty 5 national parks, and beyond, this campaign inspires travel across a variety of destinations and activity in the southern half of our state.

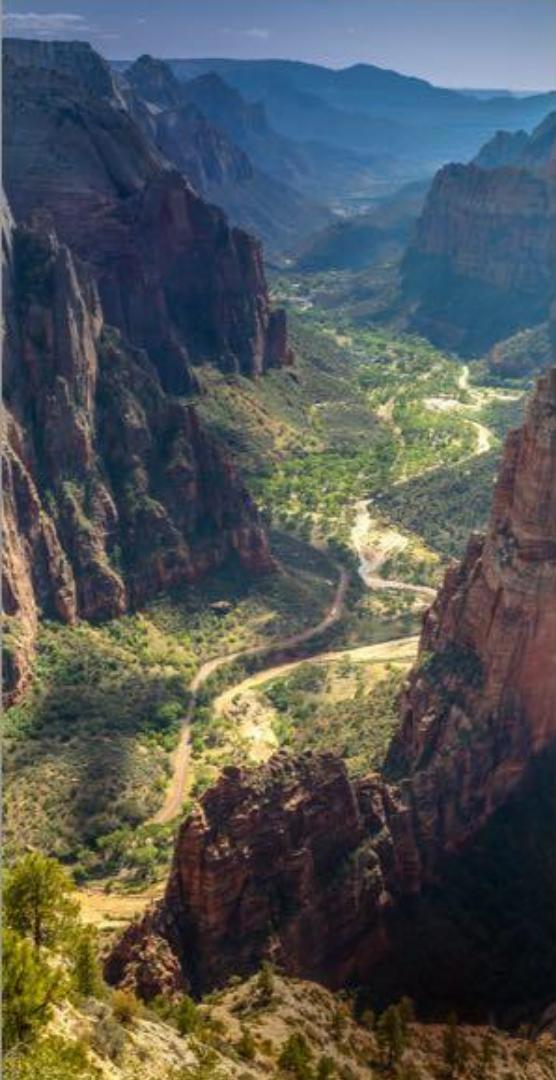
Budget

Total Budget: \$5.3M

Campaign Flight Dates

- Winter: 9/15/2023 to 1/30/2024
- Spring: 2/15/2024 to 6/30/2024
- Holiday Blitz: 12/26/2023 to 1/6/2024





22/23 Results - Connected TV

106k

Ad exposed page views

110% Increase

Compared to the 21/22 Campaign

Retargeting w/ Display Ads

Drove the most ad exposed page views.

Holiday Blitz Media Plan

Flight Dates:

- December 26, 2023 – January 6, 2024

Target Markets:

- Nation Wide.
- CTV advertising targeting people higher in the funnel, looking to inspire them to choose Utah as their next vacation destination.
- Custom audiences will be built off of past travel behaviors to competitive destinations.
- Retarget CTV ad exposure with Display assets.

Total Budget:

- \$150,000

Creative | Banner Assets



NU Campaign Update



Urban & Outdoors (Northern Utah+)

Promoting diverse cities across Northern Utah where mountain meets metro. This campaign invites visitors to experience the near perfect balance of outdoor adventures and urban exploration.

Budget

Total Budget \$925,000

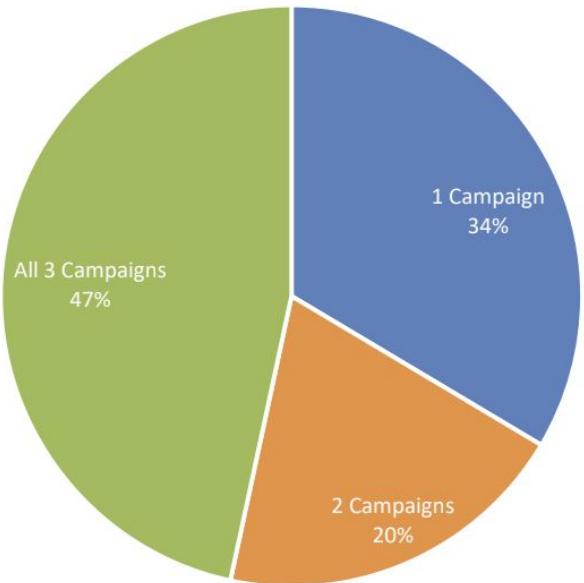
Campaign Flight Dates

Originally Proposed: 4/15/2024 to 6/30/2023

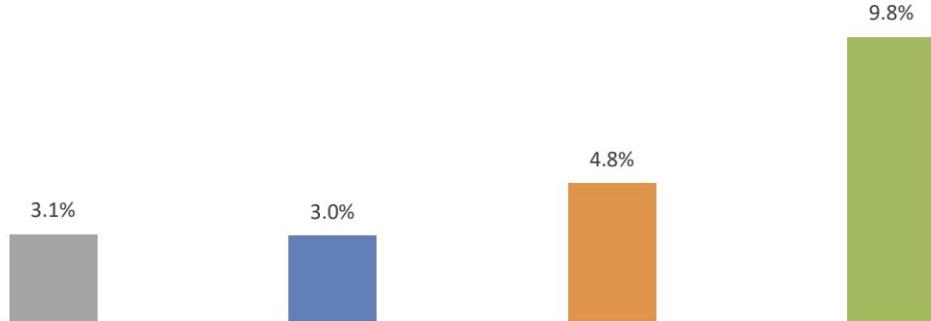


Insight from SMARI

Number of Campaigns Recalled
(among those aware of any ads)

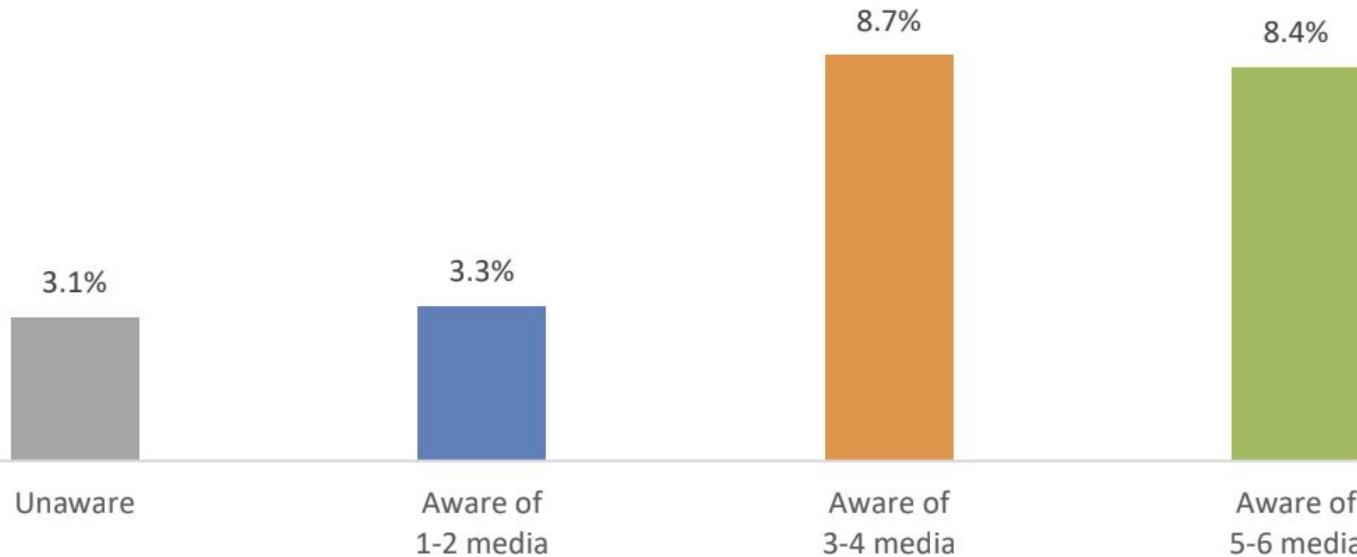


Campaign Overlap Influence
Visited Utah After Ads Began



Insight from SMARI

Media Overlap Influence
Visited Utah After Ads Began



What Will We Test

- Campaign Alignment
- Timing of Media
- Urban & Rural Audiences

