

Open and Public Meetings Act ("OPMA") Training

What is OPMA?

- A “Sunshine Law”
- Utah Code, Title 52, Chapter 4
- Applies to meetings of public bodies





Before the Meeting

- Post notice of meeting and the agenda letting people know the date, time, and place of the meeting and what the public body will discuss or vote on at least 24 hours before the meeting
- Notice may be posted less than 24 hours in advance if the exception for emergency meetings in 52-4-202 applies
- Do not act together, as a quorum, outside a meeting to predetermine an action to be taken at a meeting



Before the Meeting

- A meeting may be held electronically if the public body has adopted procedures to govern electronic meetings (see R380-42) and the body provides an anchor location for the public
- An electronic meeting may be held without an anchor location if the chair determines that having an anchor location presents a substantial risk to the health or safety of those who would be present and the chair follows the appropriate protocol
- An electronic meeting may also be held without an anchor location if all members of the public body attend electronically unless the public body receives a written request for an anchor location at least 12 hours before the meeting

During the Meeting

- Must be recorded and minutes taken, unless site visit or traveling tour where no vote or action is taken
- Only act on items on the agenda. If a member of the public brings up an issue, the public body can discuss the issue but cannot act upon it
- Do not message or text each other during the meeting about board business
- Only close a meeting for a purpose listed in 52-4-205, must be voted for by 2/3 of those present





After the Meeting

- Post recording of meeting, approved minutes, and any public materials distributed at the meeting within three business days
- Make the draft minutes available to the public within 30 days of the meeting



Penalties

- Action taken in violation of open meetings provisions is voidable by a court
- Knowingly or intentionally violating the closed meeting provisions of OPMA is a class B misdemeanor

Leg Session Updates

- Changes made to the definitions of anchor location, electronic meeting, and meeting. Repealed language relating to posting a written notice of an electronic meeting
- Removed the requirement that all non-unanimous votes during an electronic meeting be taken by roll call
- Changed requirements for anchor locations





Questions?

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