



Utah Open and Public Meetings Act

SITLA BOARD OF TRUSTEES ANNUAL TRAINING, 2025

Purpose of this presentation:

- ▶ OPMA requires that the presiding officer of each public body (in SITLA's case the Board Chairman) ensure that the public body's members receive annual training regarding the requirements of the Act (UCA 52-4-104). That's what we're doing today.
- ▶ We'll summarize:
 - ▶ Who the Act applies to.
 - ▶ Requirements for meeting notices and meeting agendas.
 - ▶ Requirements for the conducting of open meetings.
 - ▶ Purposes and procedures for closing meetings.
 - ▶ Other relevant provisions.
- ▶ OPMA is laid out in a step-by-step analysis based upon the Act's definitions.

What is OPMA?

- ▶ OPMA is Utah's sunshine law relating to meetings of public bodies.
- ▶ It requires that the public's business be done in public.
- ▶ It applies to meetings of public officials who have the authority to make policy.
- ▶ It requires that there be notice, and an open deliberative process, before a public body votes on matters within its jurisdiction.
- ▶ All votes are taken in public.

Is a “public body” involved?

OPMA applies only to public bodies

A “Public body” is defined, in relevant part, as:

- ▶ Any administrative...[or] executive body of the State...
- ▶ Created by...statute...
- ▶ Which expends, disburses, or is supported in whole or in part by tax revenue.
- ▶ Vested with authority to make decisions regarding the public's business.
- ▶ (UCA 52-4-103)
- ▶ SITLA is expressly made subject to the Act (UCA 53C-1-201(3)(e)(i)).

Is it a “meeting” as defined in OPMA?

If not, it need not be open

It is a “meeting” if:

- ▶ A quorum is present (4 or more Bd members)
 - ▶ This includes workshops and executive sessions (doesn't matter what it is labeled)
- ▶ Committee meetings example
- ▶ It is held “for the express purpose of acting as a public body...to:
 - ▶ receive public comment about...
 - ▶ deliberate about...or
 - ▶ take action upon...
 - ▶ A "relevant matter"
- ▶ Voting/formal action is not necessary, "deliberating" or taking comment is enough.
- ▶ (UCA 52-4-103)

A "relevant matter" is defined as:

- ▶ A "matter that is within the scope of the authority of a public body."
- ▶ Under this definition, a meeting does not include:
 - A chance or social gathering (e.g. a holiday or retirement party).
 - A discussion of operational matters for which no formal action is required (example: per diem and travel expenses)
 - (These were formerly expressly excluded, and still are by virtue of the new definitions of 'meetings' and 'relevant matters'.

Open meeting requirements

- ▶ All meetings of public bodies are open unless appropriately closed (UCA 52-4-201).
 - ▶ Exemption for quasi-judicial deliberations in appeal matters (Common Cause of Utah, etc.)
 - ▶ EOG and Wesco examples
 - ▶ The exemption applies only to the deliberation function.
 - ▶ All 'information gathering' phases are subject to OPMA and open.
- ▶ With respect to open meetings, the Board must:
 - ▶ Provide notice (UCA 52-4-202)
 - ▶ Minimum 24-hour notice of date, time, place, agenda
 - ▶ Posted at principal office or meeting place; posted on Public Notice Website, posted on the agency's website.
 - ▶ Keep both written minutes and an audio recording (UCA 52-4-203)
 - ▶ If part of a site visit or field trip, and no vote taken, recording not required

Closed meeting requirements

- ▶ Procedure for closing meetings (UCA 52-4-204)
 - ▶ 2/3 of a quorum of Board, in open session, must vote to close meeting
 - ▶ Reasons for closing of meeting must be given in open session
 - ▶ An audio recording of the closed meeting must be kept
 - ▶ No rule, contract, or appointment may be approved in closed meeting
- ▶ Reasons for closing meetings (Complete list found in UCA 52-4-205).
A few examples:
 - ▶ Strategy session re purchase, exchange, or lease of real property if public discussion would: disclose the estimated value of the property; or prevent completion of the transaction on the best possible terms.
 - ▶ Similar provision regarding sale of property.
 - ▶ Strategy session to discuss pending or reasonably imminent litigation.
 - ▶ Discussion of character, professional competence of an individual
- ▶ (SITLA-specific) - strategy sessions to discuss market conditions relevant to the sale of specific land, or to evaluate OBA or JV terms (UCA 53C-1-201(8))

Additional provisions:

- ▶ Notice of the annual meeting schedule is required once a year
- ▶ Electronic meetings are permitted if provided for by rule (UCA 52-4-207). The Board of Trustees has adopted such a rule.
- ▶ New provision: Individuals constituting a quorum may not, outside of a meeting, act in a concerted way to predetermine an action to be taken by the public body at a meeting on a relevant matter (UCA 52-4-208).
- ▶ Actions taken in violation of OPMA are voidable by a reviewing court (UCA 52-4-302).
- ▶ Knowingly violating OPMA is a class B misdemeanor. (UCA 52-4-305)
- ▶ Board Policy 2020-02: governs agendas/notices of Board meetings. It establishes a practice of publishing agendas 10 days in advance, publishing notice of closed sessions if they are planned in advance, and requiring reasonable specificity in the identification of agenda items.