

UTAH OPEN & PUBLIC MEETINGS ACT (OPMA)

UTAH CODE ANNOTATED TITLE 52, CHAPTER 4

2026

Training

The presiding officer shall ensure the body receives OPMA training on an annual basis.

What is OPMA?

The public's business be done in public.

Take actions openly

Conduct deliberations openly

A public body is:

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;
2. Consists of two or more individuals;
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.

A meeting is:

A gathering of a public body:

1. With a quorum present (simple majority (8));
2. Convened by individual with authority to convene (chair);
3. For the purpose of:
 - Receiving public comment about relevant matter;
 - Deliberating about a relevant matter;
 - Taking action upon a relevant matter.

A relevant matter is:

A matter “within the scope of the authority of a public body”

If the body has executive and legislative responsibilities, it does not include “a managerial or operational matter.”

NOTICE

Not less than 24 hours notice of each meeting

- Agenda
- Date
- Time
- Place



NOTICE - Additionally

If holding regular meetings scheduled in advance over the course of a year, additional public notice at least once each year of annual schedule which includes date, time, and place.



NOTICE - Where

- Meeting location
- Public Notice website
- Electronically
(encouraged)



AGENDA

- Each topic shall be listed
- Reasonable specificity to notify the public as to the topics to be considered
- May not take final action unless topic is listed



AGENDA – Exception - Discussion Only

- At the discretion of presiding officer
- Topic raised by public
- May discuss – but not take action



NOTICE - Emergency

Matters of an emergency or urgent nature

- Give best notice practicable of time, place, and topics
- Attempt to notify all members of the body
- Majority of members approve the meeting



RECORD OF MEETINGS

- Written minutes and a recording of all open portions of meetings



RECORD OF MEETINGS

Written minutes

- Date, time, and place
- Names of members present and absent
- Substance of all matters proposed, discussed, decided and may include a summary of comments (satisfied by link to recording)
- Record of each vote taken
- Names of those providing testimony or comments and substance in brief (link to recording for substance)
- Other information that a member requests



RECORD OF MEETINGS

- Recording must be complete, unedited record of all open portions of the meeting



Electronic Meetings

Must have a resolution, rule, or ordinance governing electronic meetings and Notice requirements apply

- R277-101-4 Electronic Meetings
- Bylaw VII.12.e and VII.19.d



Electronic Meetings

Do you have to provide a physical anchor location for the public to attend?

- Not if all the members of the body attend electronically

Exception: Body must provide an anchor location if it receives a written request at least 12 hours before the start of the meeting

- The body MAY provide the public an electronic attendance link
- Electronic meetings may be held without an anchor location (even if a body receives a request 12 hours in advance) if it presents a substantial risk to health or safety but requires written determination by the chair of the body



Electronic Message Transmissions

Member is not restricted from transmitting an electronic message to other members of the body at a time when the body is NOT convened in a meeting. (52-4-210)



Closed Meeting

- Must be during an open meeting
- Quorum present
- 2/3 members present vote to go into closed session
- Approved purpose - announced



Closed Meeting

Approved Purposes

- Character, professional competence, or physical or mental health of an individual
- Pending or reasonably imminent litigation
- Deployment of security personnel, devices or systems



Disruption of Meetings

OPMA does not prohibit the removal of a person from a meeting if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised. (52-4-301)



Violations of OPMA

A court can void any action in violation of OPMA

- 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)



Summary

- 24-hour notice
- Be specific with agenda items
- Close meetings only for allowed statutory purposes and follow the process
- Provide minutes/recordings in a timely manner
- Don't text/email each other during meetings
- Receive training once a year
- Err on the side of transparency