

Utah's Open & Public Meetings Act



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City Council Meeting
April 7, 2026

Purpose



- Understand the core requirements of Utah's Open and Public Meetings Act (OPMA), Utah Code § 52-4
- Focus on what you as councilmembers and the mayor must do in practice:
 - Build and maintain public trust
 - Stay clear of avoidable legal challenges and headlines
 - Support better decision-making and public engagement

Aaaaaand

- Check off your annual training requirement



Per Utah Code 52-4-104(1)

Why OPMA Exists (In the Legislature's Own Words)

"[T]he state, its agencies and political subdivisions, exist to aid in the conduct of the people's business. It is the intent of the Legislature that [they] take their actions openly; and conduct their deliberations openly."

-- Utah Code 52-4-102. Declaration of public policy.

Open Meetings Laws are called what kinds of laws?



- A. MOONSHINE MANDATES
- B. BASEMENT BUNKER
BYLAWS
- C. SHADOW HIDING
STATUTES
- D. SUNSHINE LAWS



KEY DEFINITIONS ("Meeting")

"Meeting" means a gathering:

- (a) of a public body or specified body;
- (b) with a quorum present; and
- (c) that is convened:
 - (i) by an individual:
 - (A) with authority to convene the public body or specified body; and
 - (B) following the process provided by law for convening the public body or specified body; and
 - (ii) for the express purpose of acting as a public body or specified body to:
 - (A) receive public comment about a relevant matter;
 - (B) deliberate about a relevant matter; or
 - (C) take action upon a relevant matter.



Utah Code 52-4-103(5)

KEY DEFINITIONS ("Quorum")

"Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
Utah Code 52-4-103(9)

"Three members of the Council shall constitute a quorum."

Rule 3.3 of the Draper City Council Meeting Rules and Procedures



KEY DEFINITIONS (“Public Body”)

Any group of two or more persons, officially created, that has the power to expend, disburse, or is supported in whole or in part by tax revenue, and has the authority to do the public’s business.

-- Utah Code 52-4-103(7)(a)

The Draper City Council — you — along with your boards, commissions, and committees exercising governmental authority on behalf of the city.



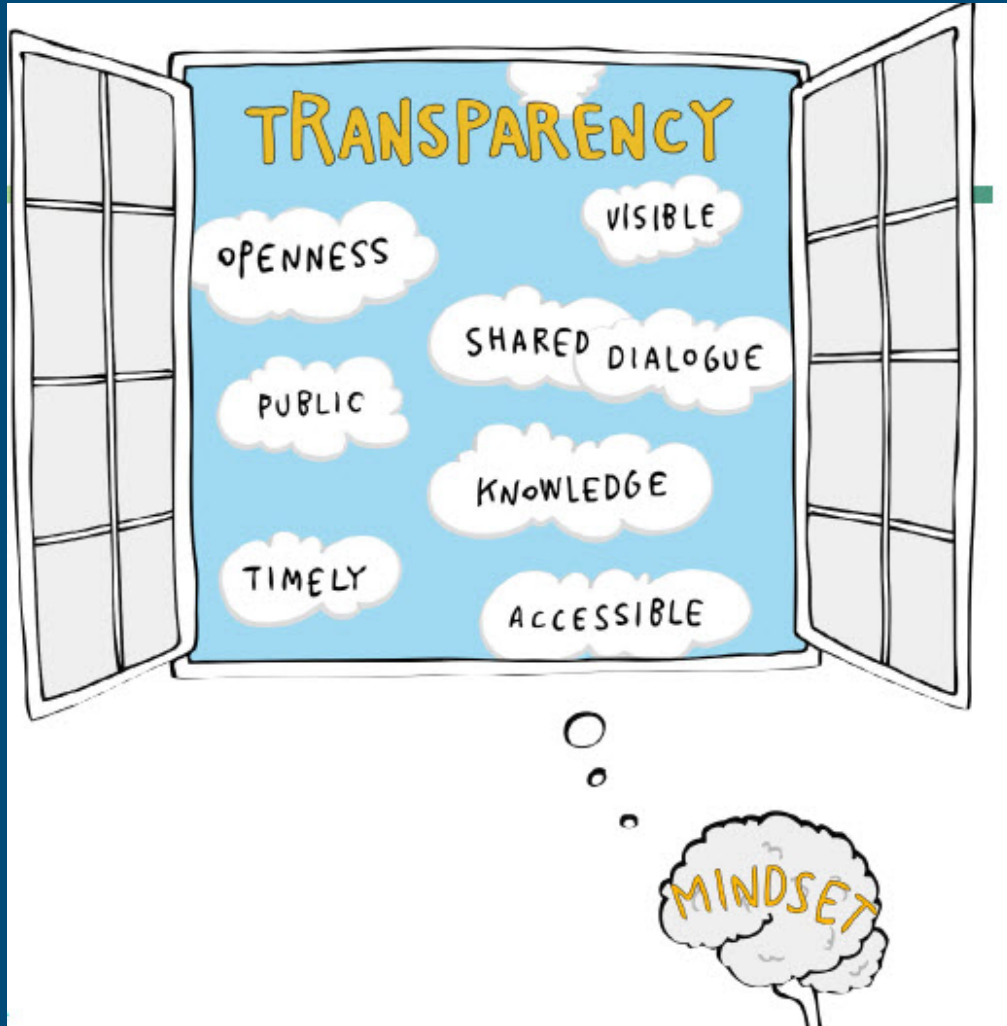
If a public body is convened in a meeting with a quorum present ...



Then that meeting must comply with the Act.

The Act requires compliance in three basic areas:

1. NOTICE
2. PUBLIC ACCESS
3. PUBLIC RECORD KEEPING



Notice Requirements

-- Utah Code § 52-4-202(1)–(2)

- Minimum 24-hour public notice required for every meeting
- Notice must include:
 - Agenda
 - Date
 - Time
 - Place
- Annual schedule notice for any public body that holds regularly scheduled meetings
 - Must list date, time, and place for all scheduled meetings

Proper Notice:

-- Utah Code § 52-4-202(3)–(4)

- Required Method (Class A Notice):
 - Post on the Utah Public Notice Website (per 63G-30-102) for at least 24 hours
- Additional Posting Options:
 - Post in a public location within the affected area:
 - Anchor location or
 - Structure/area where the meeting will be held
- Best Practices (Encouraged):
 - Use additional electronic means (website, social media)



Emergency Meetings Exception to the 24- Hour Rule:

--Utah Code § 52-4-202(5)

When the 24-hour rule can be waived:

- Unforeseen circumstances create an emergency or urgent need

What must still happen:

- Give the best notice practicable of:
 - Time
 - Place
 - Topics to be considered
- Make a good-faith attempt to notify every member of the public body
- "Majority of members" must approve holding the emergency meeting (4)

Important Limitation: Final action may only be taken on topics properly noticed.

EMERGENCY MEETING



Public Access to Meetings:

--Utah Code § 52-4-201

- All meetings of a public body are open to the public unless properly closed under the law
- “Meeting” includes any workshop or executive session where a quorum is present (no votes can be taken)
- The public has the right to attend and observe open meetings



Public Comment Opportunities

General Rule:

The public may attend open meetings and listen to discussions



Important Note:

Public comment that follows valid

- time,
- place,
- manner, and
- germaneness rules does not constitute criminal trespass.

Draper City Council Meeting Policies & Procedures:

5.2(D) General Public Comments

No formal action can be taken off the comment (you may follow up with staff)

Three minute limit

Directed to the Mayor from the podium, no questions to council or staff permitted

Must state full name and residential address for the record

Disruptive conduct strictly prohibited (no yelling, gesturing, or applause) & no personal or slanderous comments

Penalty: immediate removal of person/subject to civil & criminal laws

(Public Hearing comments follow these same rules).



"Armando Herman is known for using expletives and offensive language in his public remarks at [Downey City, CA] city council meetings." -The Downey Patriot

Cranford Town Meeting

09/02/2025

https://www.youtube.com/watch?v=PHBtsTK_reg



What would you do?

Does it follow time, place, manner and germaneness (relevancy) rules?

Is it disruptive?

Everything is OPEN unless Legally Closed

The Default Rule:

Every meeting of a public body (including retreats, budget sessions, and any gathering of a quorum to discuss city business is **OPEN TO THE PUBLIC** unless the body follows the precise legal procedure to close it.

Closure is the narrow, documented exception.

the rule : "there are exceptions to every rule" is the only rule without exception, thereby making it the exception to that rule

Closed Meetings – Narrow Exceptions

Closed sessions are permitted under conditions and for specific purposes.

1. Begin in Open Session

The meeting must start as a properly noticed open public meeting. You cannot convene directly into a closed session.

2. Record a 2/3 Vote To Close – By Name

A 2/3rds majority of the body present must vote to close the meeting. Each member's vote must be recorded by name in the minutes.

3. State the Reason Publicly

Before closing, the presiding officer must announce the legal reason for closure.

- Discussion of an individual's character, professional competence, or physical/mental health
- Strategy sessions regarding collective bargaining
- Strategy sessions on pending or reasonably imminent litigation
- Strategy sessions for the purchase, exchange, or lease of real property
- Strategy sessions for the sale of real property
- Discussion of deployment of security personnel, devices, or systems
- Investigative proceedings regarding allegations of criminal misconduct

Strictly Permissible Topics Only



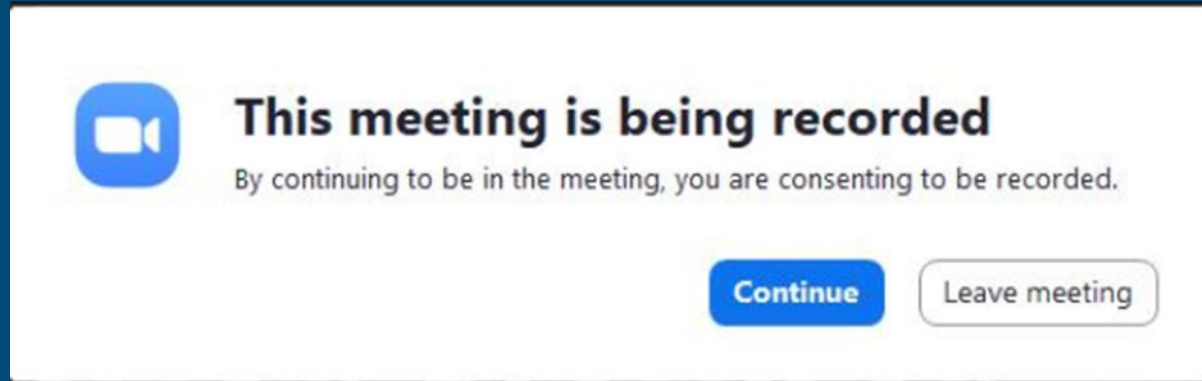
Public Record Keeping

- Minutes
 - Must be kept at all meetings
 - To include date, time, place & names of members present and absent
 - The substance of the matters discussed/decided
 - Summary of comments by public
 - Record of votes taken
 - If closed meeting, the reason for closure, where held, names of those present*, and vote by member to close

* Unless disclosure of individual name would infringe on confidence necessary to fulfill the purpose of the closed meeting.



Public Record Keeping



Limited Exceptions but Closed Meetings are also recorded and designated as a protected record under GRAMA.

- No recording for discussion of the competence, physical/mental health of an individual
- No recording for deployment of security devices

10-3-1304. Use of office for personal benefit prohibited.

(2) ...[I]t is an offense for an officer or municipal employee to:

(a) disclose or improperly use private, controlled, or protected information acquired by reason of the officer's or municipal employee's official position or in the course of official duties in order to further substantially the officer's or municipal employee's personal economic interest or to secure special privileges or exemptions for the officer or municipal employee or for others



ENFORCEMENT

BY THE AG'S OFFICE

- “a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.”
- -- Utah Code 52-4-305

BY THE PUBLIC

- If brought within 90 days of violation (30 days for bond issue).
- To enjoin or to force compliance.
- Attorneys' fees and court costs to prevailing Plaintiff.

Questions or Comments?

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