

Open Public Meetings Act

Key Provisions for Members of the Utah Prosecutor Conduct Commission

June 2026

Declaration of Public Policy (Section 52-4-102)

The Legislature finds and declares that the state, its agencies, and political subdivisions exist to aid in the conduct of the people's business. The Legislature intends for these entities to take their actions and conduct their deliberations openly.

Public Notice and Agenda (Section 52-4-202)

A public body must provide public notice of a meeting at least 24 hours before the meeting. The public notice must:

- Include the agenda, date, time, and place;
- Include an agenda that reasonably specifies the topics the public body will consider; AND
- Be posted on the Utah Public Notice Website and the public body's official website.
- Is NOT required to be posted at the meeting location (UCA 63G-30-102(4)).

A public body may discuss a topic raised by the public that is not listed on the agenda but may not take final action on the topic at the meeting.

Annual Meeting Schedule (Section 52-4-202(2))

Provide public notice of annual meeting schedule, including date, time, and place of the meetings.

Minutes and Recordings (Section 52-4-203)

A public body is required to keep written minutes and a recording of all meetings unless the meeting is a site visit or traveling tour where no vote or action is taken.

- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within three business days after the public meeting.
- Draft minutes are required to be made publicly available within 30 days after the meeting.
- Approved minutes and any public materials distributed at the meeting must, within three business days after approval, be
 - Posted on the Utah Public Notice Website; and
 - Made available at the public body's office.

Electronic Meetings (Section 52-4-207; Admin Rule 356-6)

Electronic meetings of the PCC are authorized by Admin Rule 356-6.

Key points to remember:

- At the commencement of the meeting the chair shall identify on the record the members who are appearing electronically.
- A member who appears electronically shall be counted as present for purposes of determining a quorum.
- A member who appears electronically may fully participate and vote on any matter before the public body.
- Votes by members who are appearing electronically ***shall be confirmed by the chair.***

Closed Meetings (Sections 52-4-204 and 52-4-205)

A public body may hold a closed meeting only for certain purposes, including, but not limited to, discussing:

- A person's character, competence, or health;
- Pending or imminent litigation;
- The deployment of security personnel, devices, or systems;
- An investigation of alleged criminal conduct;

A closed meeting may be held if:

- A quorum is present.
- The meeting is an open meeting for which proper notice has been given under Section 52-4-202, AND
- Two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting.

Entering a closed meeting:

- A motion to enter a closed meeting must include (52-4-204(4):
 - The reason or reasons for holding the closed meeting (i.e., to discuss a person's character, competence, or health); AND
 - The location where the closed meeting will be held
 - Example "I move that we directly enter into a closed meeting at our current location to discuss the character and competence of one or more individuals."
- The motion must be voted on in a roll call fashion, and the motion must pass by 2/3 vote of the members present.

Closed meetings under Subsection 52-4-206(6):

- If the meeting is closed EXCLUSIVELY for the discussion of the character, professional competence, or physical or mental health of an individual (Subsection 52-4-205(1)(a)), then minutes and recordings are not required.
- The person presiding shall **sign a sworn statement affirming that** the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a).
- A closed meeting is ended by motion and a majority vote (Subsection 52-4-204(3)(b)(i)).

Actions in a closed meeting given the PCC's quasi-judicial role:

- Typically, a public body may not take a vote in a closed meeting except on a motion to end the closed portion of the meeting. (Subsection 52-4-204(3)(b)(i)).
- Due to the quasi-judicial nature of PCC complaint proceedings, the PCC can deliberate and engage in decision making during a closed meeting. (Common Cause of Utah v. Utah Public Service Commission, 598 P.2d 1312 (1979))
- Further, unless action taken by the PCC in the closed portion of a meeting relates to an ordinance, rule, regulation, contract, or appointment (Subsection 52-4-204(3)), it does **NOT** need to be ratified or otherwise entered onto the record during the open portion of the meeting. (Common Cause of Utah v. Utah Public Service Commission, 598 P.2d 1312 (1979))

Emergency Meetings (Section 52-4-202)

A public body may hold an emergency meeting and is not required to give 24-hour notice if unforeseen circumstances arise that require the public body to consider matters of an emergency or urgent nature. However, a public body may not hold an emergency meeting unless it attempts to notify all members of the public body and a majority of members approve the meeting.

Any member of a legislative public body may attend an emergency electronic meeting by electronic means, and the public body may conduct an emergency electronic meeting of the legislative public body remotely.

Penalties (Sections 52-4-302 and 52-4-305)

- Any final action taken in a meeting that is in violation of certain provisions of OPMA may be voidable by a court.
- Closed Meetings - It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA.