

UTAH OPEN & PUBLIC MEETINGS ACT (OPMA)

UTAH CODE ANNOTATED TITLE 52, CHAPTER 4

July 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

DEFINITIONS

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

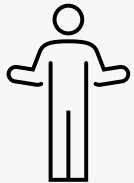
A meeting is:

A gathering of a public body:

1. With a quorum present
(simple majority)



2. Convened by an individual with
authority to convene



3. For the express purpose to:

- Receive public comment about a relevant matter;
- Deliberate about a relevant matter;
- Take action upon a relevant matter.



A relevant matter is:

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

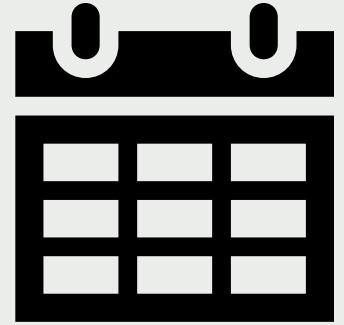
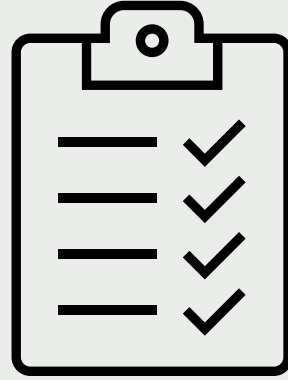
If the body has executive and legislative responsibilities, it does not include “a managerial or operational matter.”

NOTICE

NOTICE

At least 24 hours before the meeting, post the following:

- 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
- Utah Public Notice Website
- The public body's official website



NOTICE - Emergency

Unforeseen circumstances → 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



AGENDA

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 – Discussion Exception

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



RECORD OF MEETINGS

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

Written minutes - Timing

- **30 days after meeting:** Draft minutes must be publicly available
- **3 business days after draft minutes are approved:** Approved minutes must be posted on the Utah Public Notice Website and made available at the public body's office



RECORD OF MEETINGS

Recording

- Recording must be complete, unedited record of all open portions of the meeting
- Must post recording on the Utah Public Notice Website within 3 business days after the public meeting



ELECTRONIC MEETINGS

ELECTRONIC MEETINGS

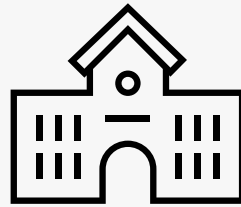
Must have a resolution, rule, or ordinance governing electronic meetings and Notice requirements apply

- R380-42: Open and Public Meetings Act Electronic Meetings



ELECTRONIC MEETINGS

Utah Code 52-4-207(4)



With a **few exceptions**, a public body **MUST** provide space and facilities at an anchor location for the public to attend



A public body **MAY** provide means for public to participate remotely

ELECTRONIC MEETINGS

When anchor location is NOT required

1

The chair of the public body determines that conducting the meeting from an anchor location presents a substantial health or safety risk

2

All public body members attend the meeting remotely (unless public body receives request for anchor location at least 12 hours before the meeting)

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 MEETINGS

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
- Investigative proceedings regarding allegations of criminal misconduct



CLOSED MEETING

A public body may NOT



Take a vote – except to end the closed session and return to open meeting



Approve a rule, regulation, contract, or appointment



CLOSED MEETING

Record of Closed Meeting

- Recording except for personnel or security
- MAY take minutes
- Protected records under GRAMA



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
- It is a class B misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA (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