
OPEN AND PUBLIC MEETINGS ACT

UCA 52-4

Declaration of Public Policy

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.
UCA 52-4-102

Definitions

Meeting means a gathering of a public body with a quorum present that is convened:

- By an individual with authority to convene the body and who follows the process provided by law for convening the body; and
- For the express purpose of acting as a public body to:
 - Receive public comment about a relevant matter;
 - Deliberate about a relevant matter; or
 - Take action upon a relevant matter.

Public Body means an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:

- Is created by the Utah State Constitution, state statute, rule, ordinance, or resolution;
- Expends, disburses, or is supported in whole or in part by tax revenue; and
- Is vested with the authority to make decisions regarding the public's business.

Public Notice and Agenda

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

- Include the agenda, date, time, and place;
- The agenda must reasonably specify the topic(s) the body will consider; and
- Be posted on the Utah Public Notice Website and the public body's official website.

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. UCA 52-4-202

Minutes and Recordings

A public body is required to keep written minutes and a recording of all meetings. UCA 52-4-203

- A recording of the open portions of the meeting must be posted on the Utah Public Notice Website within 3 business days after the 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

A public body that conducts an electronic meeting must, in general, provide space and facilities at an anchor location for the public. A public body may conduct an electronic meeting without an anchor location only if:

- The chair of the public body determines that conducting the meeting from an anchor location presents a substantial risk to the health or safety of those who are present or would otherwise be present at the anchor location;
- The public notice, or the chair during the meeting, provides the chair's determination and a summary of the facts upon which the determination is made; and
- Included in the public notice for the meeting is information on how the public may view or provide comments at the meeting.
- If an electronic meeting is held without an anchor location, the public body must ensure the public can view and hear the open portions of the meeting and provide comments electronically. UCA 52-4-207

Closed Meetings

A public body may hold a closed meeting only for certain purposes, which includes discussing:

- A person's character, competence, or health;
- Pending or imminent litigation;
- Certain matters regarding acquisition or sale of real property, including water rights or shares;
- The deployment of security personnel, devices or systems;
- An investigation of alleged criminal conduct;

In general, a public body may close a meeting only by a two-third vote with a quorum present.

A public body that closes a meeting is required to announce and record in the minutes the reason(s) for closing the meeting.



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public body may not take a vote in a closed portion of the meeting except on a motion to end the closed portion of the meeting. An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during a closed meeting. UCA 52-4-204 and 205

Emergency Meetings

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. UCA 52-4-202

Penalties/Prohibitions

Open Meetings – Final action taken in a meeting that is in violation of certain provisions of OPMA is voidable by a court (Sections 52-4-201, 202, 207, 208, and 209).

Closed Meetings – It is a Class B Misdemeanor to knowingly or intentionally violate the closed meeting provisions of OPMA. UCA 52-4-302 and 305

Predetermining public body action prohibited – individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter. UCA 52-4-208