

Open and Public Meetings Act

A Summary of Key Provisions | March 2024

The Open and Public Meetings Act (OPMA) requires that members of a public body be “provided with annual training on the requirements of [the Open and Public Meetings Act]” (Section 52-4-104). This document is intended to facilitate compliance with that requirement. Key terms are defined at the end of the document.

OPMA’s stated goal is to ensure that the state, its agencies, and its political subdivisions deliberate and take action openly (Section [52-4-102](#)).

A quorum may not act outside a meeting to predetermine an action to be taken by the public body at a meeting on a relevant matter. This does not apply to an individual acting as a member of a body that is not a public body. (Section: [52-4-208](#))

Public Notice

(Section [52-4-202](#))

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

- specify the date, time, and place of the meeting;
- include an agenda that specifies the topics the public body will consider;
- be posted on the Utah Public Notice Website and at the location of the meeting; and
- be provided to a newspaper or local media correspondent.

A public body may discuss an item raised by the public that is not listed on the agenda but may not take final action on the item at the meeting unless the topic is listed under an agenda item and included with the advance public notice.

Minutes and Recordings

(Section [52-4-203](#))

- A public body must 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.
- Pending minutes are required to be made available to the public within 30 days after the meeting.
- The approved minutes and any public materials distributed at the meeting must, within three business days after their approval, be:
- posted on the Utah Public Notice Website; and
- made available at the public body's office.

2024 Amendments to OMPA

- [HB36](#) modifies the definition of “Anchor location”, “Electronic meeting”, “Meeting”, and “quorum.”
 - Enacts a definition for “relevant matter.”
 - Adjusts provisions relating to the transmission of electronic messages, anchor location for an electronic meeting, and recording of a vote at an electronic meeting.
 - Language relating to posting a written notice of an electronic meeting is repealed.
 - Language relating to chance or social meetings is repealed and replaced with prohibiting individuals constituting a quorum of a public body from taking certain action.
- Any person in an open meeting may independently record an open meeting if the recording does not interfere with the conduct of the meeting.

Closed Meetings

(Sections [52-4-204](#) and [52-4-205](#))

A public body may close a meeting only by a two-thirds vote with a quorum present, except that a majority vote is sufficient for closing a meeting of:

- the Health and Human Services Interim Committee;
- the Child Welfare Legislative Oversight Panel to review and discuss an individual case;
- the Opioid and Overdose Fatality Review Committee;

A public body may hold a closed meeting only for certain purposes, including to discuss:

- 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;
- certain deliberations and decision making involved in the procurement process.
- Collective bargaining.
- Trade secret information

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the meeting, the location of the closed meeting, name of each member of the public body who voted for or against the motion to hold the closed meeting.

A public body may not close a meeting to discuss filling a midterm vacancy or temporary absence for an elected position, or to discuss a person whose name was submitted to fill a midterm vacancy or temporary absence for an elected position.

An ordinance, resolution, rule, regulation, contract, or appointment may not be approved during the closed portion of a meeting.

With the exception of a vote to end the closed portion and return to an open meeting, a public body may not take a vote in a closed meeting.

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 its members approve the meeting.

Definitions (Section [52-4-103](#))

Anchor Location means the physical location where the public body conducting an electronic meeting normally conducts meetings or a location that is reasonably accessible to the public.

Meeting means a gathering of a public body or specified body, with a quorum present, and convened by an individual with authority to convene the public body or specified body for the express purpose of acting as a public body or specified body to receive public comment, deliberate, and take action about a relevant matter.

Electronic Meetings

(Section [52-4-207](#))

- A public body may not convene or conduct a meeting by electronic communication unless it has provided an anchor location for the public to attend the open portion of the meeting.
- Conditions under which a remote member is included in calculating a quorum shall be established by resolution, rule, or ordinance.
- A public body that conducts an electronic meeting may provide means to members of the public who are not physically present at the anchor location may participate remotely by electronic means.
- A public body that conducts an electronic meeting may not allow a member to vote or otherwise act by proxy.
- Unless a public body receives a written request at least 12 hours before the scheduled meeting to provide an anchor location for members of the public to attend in person, all public body members attend the meeting remotely through an electronic video, audio, or both video and audio connection.

Penalties

(Sections [52-4-302](#) and [52-4-305](#))

Any final action taken in a meeting that is in violation of certain open-meeting provisions of OPMA is voidable by a court unless there was an unforeseen Internet hosting or communication technology failure.

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

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

- is created by the Utah 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;
- Consists of two or more individuals.

Public body does not include a political party, political group, or political caucus, or a conference committee, rules committee, or sifting committee, or an administrative staff committee of the Legislature.