

**Open and Public Meeting Act – Utah Code § 52-4-101 et seq.  
2020 Annual Advisory Board Training<sup>1</sup>**

1. Public Policy Behind OPMA: The legislature finds that public bodies exist to aid in the conduct of the people’s business and accordingly must act and conduct deliberations openly.
2. What is a Public Body: A State or local body (1) consisting of two or more persons, created by the constitution or a statute, rule, ordinance or resolution, (2) with the ability to expend, disburse or be supported by tax revenue, and (3) vested with authority to make decisions about the public’s business.
3. What is a Meeting: The in-person or electronic<sup>2</sup> convening of a public body with a quorum present to discuss, receive comment, or act on a matter within its jurisdiction or authority. A meeting is not a social gathering, chance encounter, or email discussion so long as no decisions are made. Members of a public body must refrain from text or email communications once a meeting has been convened.
4. How is a Meeting Convened/Notice: No less than 24 hours before its commencement, a public body must provide notice of the time, date, and location of a public meeting on the Utah Public Notice Website and at the anchor location where the meeting will occur, and must provide a reasonably specific meeting agenda. Electronic meetings shall adhere to the same notice requirements, offer an anchor location, and provide a means for the public to participate.<sup>3</sup>
5. Can a Public Meeting Ever be Closed: Utah law does not require that any meeting be closed. However, a public body *may* close a public meeting, but only for specified reasons. Further, a meeting may only be closed if a quorum is present and 2/3 of the body votes to approve closure. No ordinance, resolution, rule, contract, or appointment may be approved during a closed session. Meeting minutes and a recording of any closed session must also be maintained.
6. What about Emergencies: Utah law permits the conduct of meetings to consider “emergency or urgent” matters provided (1) the best notice practicable is given; and (2) the meeting minutes include a clear statement of the unforeseen circumstance that necessitated the emergency meeting.
7. Must a Record of Meetings be Kept: Minutes and a recording must be kept of all open and closed meetings, including a record of all votes. Minutes from closed meetings are deemed confidential and may be released only by court order. Written minutes, not a recording, constitute the official record and care must be taken to ensure they are accurate. Minutes must be available to the public within 30 days of the meeting and 3 days of their approval. The public and the media may record any public meeting.
8. Penalties for OPMA Violations: Intentional OPMA violations constitute a class B misdemeanor and are punishable by a fine of up to \$2500 and/or 6 months in jail. Also, a court may void any final action taken in violation of OPMA, which may be cured by publicly discussing the voided action and taking a public vote in a subsequent meeting.

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<sup>1</sup> This document is intended to provide annual training regarding Utah’s open meetings law as required by Utah Code § 52-4-104. This document offers a general overview only and is not intended to be exhaustive. Specific questions should be directed to legal counsel or the Office of the Salt Lake County District Attorney.

<sup>2</sup> To hold electronic meetings, a body must first adopt a resolution and create rules governing electronic meetings.

<sup>3</sup> The legislature recently amended OPMA to allow for the conduct of electronic meetings *without* a physical anchor location so long as the chair (1) makes a written determination, supported by facts, that providing an anchor location presents a substantial risk to health and safety, (2) includes that determination in the written public notice (with instructions on how the public may view/participate), and (3) announces the same at the beginning of every public meeting. Such written determinations expire, if not renewed, in 30 days.