



Open and Public Meetings Act: A Summary of Key Provisions

May 2024

The Open and Public Meetings Act (OPMA) requires that members of a public body be provided with annual training on the requirements of OPMA. This document is intended to facilitate legislative compliance with that requirement and to help legislators understand OPMA. This summary is prepared for a legislative audience and does not attempt to explain or apply OPMA to other public bodies. Key terms are defined at the end of the document.

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 openly 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 meeting agenda, date, time, and place;
- include an agenda that reasonably specifies the topics the public body will consider;
- 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.

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.

2024 AMENDMENTS TO OPMA

[H.B. 36](#), Open and Public Meetings Act Amendments, which modifies definitions, including "anchor location," "electronic meeting," and "meeting." Repeals language relating to posting a written notice of an electronic meeting.

[H.B. 298](#), Homeless Services Amendments, which exempts the executive committee of the Utah Homeless Services Board from OPMA.

[H.B. 494](#), Funds Administration Modifications, which permits a public body that administers a fund to hold a closed meeting to discuss the sale or purchase of securities.

- 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 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.



Closed Meetings

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

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;
- the receipt or review of an ethics complaint if the public body is the Independent Legislative Ethics Commission;
- certain matters under the jurisdiction of a legislative ethics committee;
- certain deliberations and decision-making involved in the procurement process; and
- A discussion of the board of the Point of the Mountain State Land Authority regarding the potential tenant of point of the mountain state land.

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 to review a fatality review report;
- the Child Welfare Legislative Oversight Panel to review a fatality review report or review and discuss an individual case; or

- an ethics committee of the Legislature to receive legal advice or deliberate on a complaint.

No vote is required to close a meeting of the Independent Legislative Ethics Commission to review an ethics complaint if the publicly distributed agenda for the meeting states that the meeting will be closed.

A public body that closes a meeting is required to announce and record in the minutes the reasons for closing the 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.

A public body may not take a vote in a closed meeting except for a vote on a motion to end the closed portion of the 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.

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.

Electronic Meetings

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

An anchor location is a physical location where a public body conducting an electronic meeting normally conducts meetings or a location reasonably accessible to the public as the anchor location.

An electronic location is a meeting where some or all public body members attend through an electronic video or audio connection.

A public body may conduct a meeting that allows members of the public body to attend through an electronic video or audio connection. A public body may not hold an electronic meeting unless it has adopted procedures to govern electronic meetings, including how a remote member will be included in calculating a quorum. Electronic meetings must comply with OPMA, including giving public notice of the electronic meeting in accordance with Section [52-4-202](#).

A public body that conducts an electronic meeting must provide space and facilities at an anchor location for the public. A public body may conduct an electronic meeting without an anchor location 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 for the meeting or the chair during the meeting provides the chair's determination and a summary of

the facts upon which the determination is made; and

- includes in the public notice for the meeting information on how the public may view or make comment at the meeting; or
- all members of the public body attend the meeting remotely through an electronic video or audio, unless the public body receives a written request, at least 12 hours before the scheduled meeting time, to provide for an anchor location for members of the public to attend in person.

If an electronic meeting is held without an anchor location, a public body must provide means by which the public can view and hear the open portions of the meeting and provide comments electronically.

Application to Legislative Public Bodies (Section [JR1-4-402](#))

A member of a legislative public body may attend a meeting remotely by electronic means only if the member has a specified reason and notifies the chair of the public body. The chair must conduct an electronic meeting of the legislative public body from the anchor location.

When a member of a legislative public body attends a meeting by electronic means, the member's attire and appearance must be consistent with the attire and appearance that would be expected if the member were attending the meeting in person. The member's location should also reflect the dignity of the meeting, particularly if the member is attending via video conference.

A member of a legislative public body may not attend a meeting by electronic means while engaging in any activity that would be



abnormal or prohibited if the member were attending the meeting in person, including operating a motor vehicle.

Penalties

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

Open Meetings – Any final action taken in a meeting that is in violation of certain provisions of OPMA is voidable by a court.

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

DEFINITIONS

“Meeting”

A gathering:

- a) of a public body or specified body;
- b) with a quorum present; and
- c) that is convened:
 - i. by an individual:
 - A. with authority to convene the public body or specified body; and
 - B. following the process provided by law for convening the public body or specified body; and
 - ii. for the express purpose of acting as a public body or specified body to:
 - A. receive public comment about a relevant matter;
 - B. deliberate about a relevant matter; or
 - C. take action upon a relevant matter.

“Legislative Public Body”

A public body that is governed by legislative rules.

“Public Body”

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.

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

“Specified Reason”

Illness or injury or health or safety concerns of a member or a member's relative, emergency travel, an emergency work-related issue, an emergency child care-related issue, a mandatory action day or a special circumstance day (see [63A-17-111](#)), or a circumstance similar to the circumstances described above.



Joint Rules Governing Special Committees

Legislative rules governing legislative committees – which include interim and special committees – are found in [Joint Rule Title 7, Chapter 1](#).

Special Committees

[JR7-1-101\(25\)](#), [JR7-1-102](#)

A special committee is a committee, commission, or task force created by legislation and staffed by the Office of Legislative Research and General Counsel or the Office of the Legislative Fiscal Analyst. This does not include interim committees, standing committees created in rule, or Senate confirmation committees created in rule.

Special committees are subject to interim committee rules and function largely like interim committees. If anything in rule conflicts with the special committee's governing statutes, the governing statutes take precedent.

Quorum Requirements

Utah Code [53-22-104.1](#); [JR7-1-203](#)

The special committee's governing statutes will generally indicate what constitutes a quorum; this is typically a simple majority.

Committee Order of Business

[JR7-1-204](#)

Unless a chair or a committee, by majority vote, determines otherwise, the order of business for a legislative committee meeting is:

- call to order;
- approval of minutes of the immediately preceding meeting;
- brief description of each item on the agenda;
- announcement of any time restrictions;
- consideration of legislative committee business for the meeting; and
- adjournment.

Making a Motion and Parliamentary Procedures

Making a Motion

A member of committee member may make a motion unless the motion is prohibited. ([JR7-1-307 through JR7-1-311](#))

- Committee member makes the motion. ("I move that ...")
- Chair accepts by restating the motion.
- Chair allows committee members to ask questions about the motion and debate the motion.
- Maker of the motion provides summation.
- Chair places the motion for a vote and may call for a roll call vote if necessary.
- Chair announces the vote on the motion.

Parliamentary Procedures

Parliamentary procedures for legislative committees are detailed in rule. ([Joint Rule Title 7, Chapter 1, Part 5](#))

They include:

- An individual may only speak to a legislative committee when recognized by the chair.
- Chairs must recognize members of the committee who request to speak, and the committee members' remarks must be germane.
- Members of a committee must vote on a motion when present.
- Privileged motions are nondebatable and take precedence over a nonprivileged motion. They include, in the following order, motions to adjourn, recess, and end debate.