

RECORDS OF LOCAL GOVERNMENT**MEETINGS**

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Tammy J. Rowan

AN ACT RELATING TO THE UTAH MUNICIPAL CODE AND COUNTIES; REQUIRING MUNICIPALITIES AND COUNTIES TO MAKE AND KEEP AN ELECTRONIC RECORDING OF OPEN MEETINGS; PROVIDING AN EXCEPTION; PROVIDING AN ALTERNATE METHOD OF KEEPING THE RECORDING; AND MAKING TECHNICAL CHANGES.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

10-3-603, as enacted by Chapter 48, Laws of Utah 1977

52-4-7, as last amended by Chapter 17, Laws of Utah 1978

ENACTS:

17-15-28, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **10-3-603** is amended to read:

10-3-603. Public records.

(1) (a) The [governing] legislative body of each municipality shall:

(i) keep a journal of its proceedings[. The]; and

(ii) make an electronic audio recording of each open meeting of the legislative body, except a public hearing at which the municipal legislative body takes no action.

(b) A recorder may, after 30 days after the meeting that is the subject of the recording, deposit the electronic audio recording made under Subsection (1)(a)(ii) with the state archivist of the Division of Archives and Records Services within the Department of Administrative Services under Title 63, Chapter 2, Part 9, Archives and Records Service, who shall then maintain the recording as provided in Title 63, Chapter 2, Government Records Access and Management Act.

(2) Except as provided in Subsection (1)(b), the books, records, accounts, electronic audio recordings, and documents of each municipality shall be kept at the office of the recorder, and approved copies shall be open and available to the public during regular business hours for examination and copying.

(3) The [governing] legislative body may by resolution establish reasonable charges for providing copies of its public records to individuals, except when [by law] the municipality [must] is required by law to provide the records without cost to the public.

(4) Notwithstanding the requirement under Subsection (1)(a)(ii) to make an electronic audio recording, the official record of a municipal legislative body's open meeting is the approved minutes, not the electronic audio recording.

Section 2. Section **17-15-28** is enacted to read:

17-15-28. Recording of open meetings -- Keeping recording -- Charges for copies of public records.

(1) The legislative body of each county shall make an electronic audio recording of each open meeting of the legislative body, except a public hearing at which the legislative body takes no action.

(2) A county clerk may, after 30 days after the meeting that is the subject of the recording, deposit the electronic audio recording made under Subsection (1) with the state archivist of the Division of Archives and Records Services within the Department of Administrative Services under Title 63, Chapter 2, Part 9, Archives and Records Service, who shall then maintain the recording as provided in Title 63, Chapter 2, Government Records Access and Management Act.

(3) Except as provided in Subsection (2), the county clerk shall keep the electronic recordings at the office of the county clerk and shall keep the recordings open and available to the public during regular business hours for examination and copying.

(4) The legislative body may by resolution establish reasonable charges for providing copies of its public records to individuals, except when the county is required by law to provide the records without cost to the public.

(5) Notwithstanding the requirement under Subsection (1) to make an electronic audio recording, the official record of a county legislative body's open meeting is the approved minutes, not the electronic audio recording.

Section 3. Section **52-4-7** is amended to read:

52-4-7. Minutes of open meetings -- Public records -- Recording of meetings.

(1) Written minutes shall be kept of all open meetings. [Such] The minutes shall include:

(a) the date, time, and place of the meeting;

(b) the names of members present and absent;

(c) the substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken;

(d) the names of all citizens who appeared and the substance in brief of their testimony;

and

(e) any other information that any member requests be entered in the minutes.

(2) Written minutes shall be kept of all closed meetings. [Such] The minutes shall include:

(a) the date, time, and place of the meeting;

(b) the names of members present and absent; and

(c) the names of all others present except where [such] disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

(3) The minutes are public records and shall be available within a reasonable time after the meeting.

(4) All or any part of an open meeting may be recorded by any person in attendance; provided, the recording does not interfere with the conduct of the meeting.

(5) (a) In addition to the requirements of this chapter, each county legislative body shall also comply with the requirements of Section 17-15-28, and the legislative body of each city and town shall also comply with the requirements of Section 10-3-603, relating to the making of an electronic audio recording.

(b) Failure to make an electronic audio recording as required under Subsection (5)(a) due to an equipment malfunction is not a violation of this chapter and may not subject a county or municipality to liability under this chapter.

Legislative Review Note

as of 12-22-99 9:35 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel