

PUBLIC MEETINGS MATERIALS REQUIREMENTS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Deidre M. Henderson

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill modifies a provision of the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

- ▶ defines "electronic information";
- ▶ requires certain public bodies to require an individual who publicly presents or provides electronic information at an open meeting of the public body to provide an electronic or hard copy of the electronic information.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-203, as last amended by Laws of Utah 2013, Chapter 63

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

Section 1. Section **52-4-203** is amended to read:

52-4-203. Written minutes of open meetings -- Public records -- Recording of meetings.

(1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.

- 30 (2) Written minutes of an open meeting shall include:
- 31 (a) the date, time, and place of the meeting;
- 32 (b) the names of members present and absent;
- 33 (c) the substance of all matters proposed, discussed, or decided by the public body
- 34 which may include a summary of comments made by members of the public body;
- 35 (d) a record, by individual member, of each vote taken by the public body;
- 36 (e) the name of each person who:
- 37 (i) is not a member of the public body; and
- 38 (ii) after being recognized by the presiding member of the public body, provided
- 39 testimony or comments to the public body;
- 40 (f) the substance, in brief, of the testimony or comments provided by the public under
- 41 Subsection (2)(e); and
- 42 (g) any other information that is a record of the proceedings of the meeting that any
- 43 member requests be entered in the minutes or recording.
- 44 (3) A recording of an open meeting shall:
- 45 (a) be a complete and unedited record of all open portions of the meeting from the
- 46 commencement of the meeting through adjournment of the meeting; and
- 47 (b) be properly labeled or identified with the date, time, and place of the meeting.
- 48 (4) (a) As used in this Subsection (4):
- 49 (i) "Approved minutes" means written minutes:
- 50 (A) of an open meeting; and
- 51 (B) that have been approved by the public body that held the open meeting.
- 52 (ii) "Electronic information" means information presented or provided in an electronic
- 53 format.
- 54 ~~[(ii)]~~ (iii) "Pending minutes" means written minutes:
- 55 (A) of an open meeting; and
- 56 (B) that have been prepared in draft form and are subject to change before being
- 57 approved by the public body that held the open meeting.

58 ~~[(iii)]~~ (iv) "Specified local public body" means a legislative body of a county, city, or
59 town.

60 ~~[(iv)]~~ (v) "State public body" means a public body that is an administrative, advisory,
61 executive, or legislative body of the state.

62 ~~[(v)]~~ (vi) "Website" means the Utah Public Notice Website created under Section
63 63F-1-701.

64 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
65 records under Title 63G, Chapter 2, Government Records Access and Management Act.

66 (c) Pending minutes shall contain a clear indication that the public body has not yet
67 approved the minutes or that the minutes are subject to change until the public body approves
68 them.

69 (d) A state public body and a specified local public body shall require an individual
70 who, at an open meeting of the public body, publicly presents or provides electronic
71 information, relating to an item on the public body's meeting agenda, to provide the public
72 body, at the time of the meeting, an electronic or hard copy of the electronic information for
73 inclusion in the public record.

74 ~~[(d)]~~ (e) A state public body shall:

75 (i) make pending minutes available to the public within 30 days after holding the open
76 meeting that is the subject of the pending minutes;

77 (ii) within three business days after approving written minutes of an open meeting, post
78 to the website and make available to the public at the public body's primary office a copy of the
79 approved minutes and any public materials distributed at the meeting; and

80 (iii) within three business days after holding an open meeting, post on the website an
81 audio recording of the open meeting, or a link to the recording.

82 ~~[(e)]~~ (f) (i) A specified local public body shall:

83 (A) make pending minutes available to the public within 30 days after holding the open
84 meeting that is the subject of the pending minutes;

85 (B) subject to Subsection (4)~~[(e)]~~(f)(ii), within three business days after approving

86 written minutes of an open meeting, post to the website and make available to the public at the
87 public body's primary office a copy of the approved minutes and any public materials
88 distributed at the meeting; and

89 (C) within three business days after holding an open meeting, make an audio recording
90 of the open meeting available to the public for listening.

91 (ii) A specified local public body of a city of the fifth class or town is encouraged to
92 comply with Subsection (4)~~(e)~~(f)(i)(B) but is not required to comply until January 1, 2015.

93 ~~(f)~~ (g) A public body that is not a state public body or a specified local public body
94 shall:

95 (i) make pending minutes available to the public within a reasonable time after holding
96 the open meeting that is the subject of the pending minutes;

97 (ii) within three business days after approving written minutes, make the approved
98 minutes available to the public; and

99 (iii) within three business days after holding an open meeting, make an audio recording
100 of the open meeting available to the public for listening.

101 ~~(g)~~ (h) A public body shall establish and implement procedures for the public body's
102 approval of the written minutes of each meeting.

103 ~~(h)~~ (i) Approved minutes of an open meeting are the official record of the meeting.

104 (5) All or any part of an open meeting may be independently recorded by any person in
105 attendance if the recording does not interfere with the conduct of the meeting.

106 (6) The written minutes or recording of an open meeting that are required to be
107 retained permanently shall be maintained in or converted to a format that meets long-term
108 records storage requirements.

109 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

110 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
111 by the public body; or

112 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
113 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,

114 Special Service District Act, if the district's annual budgeted expenditures for all funds,
115 excluding capital expenditures and debt service, are \$50,000 or less.