

**HB 21 |<sup>ST</sup> SUB  
OPEN & PUBLIC MEETINGS ACT  
AMENDMENTS**

Rep. Joel Briscoe

House Government Operations Committee

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# UTAH OPEN & PUBLIC MEETINGS ACT PURPOSE

- **52-4-102 Declaration of Public Policy**
- (1) The legislature declares that the state, its agencies and political subdivisions exist to aid in the conduct of the people's business.
- (2) It is the intent of the legislature that the state, its agencies and political subdivisions:
  - (a) take their actions openly; and
  - (b) conduct their deliberations openly.

## UTAH OPEN & PUBLIC MEETINGS ACT PURPOSE 2

- **52-4-103. Definitions.**
- 6 (a) "Meeting" means the convening of a public body or a specified body, with a quorum present . . . whether in person or by means of electronic communications, for the purpose of discussing, **receiving comments from the public about**, or acting upon a matter over which the public body or specific body has jurisdiction . . .

# OPEN & PUBLIC MEETINGS ACT AMENDMENTS

- Requires a public body holding an open meeting to allow a reasonable opportunity to provide verbal comment at the meeting
- Some exceptions allowed
- Public body must adopt a resolution, rule, or ordinance allowing and guiding public comment in a public meeting
- Permits a public body of a local district or special service district to convene and conduct an electronic meeting without an anchor location in certain circumstances

# UTAH OPEN PUBLIC MEETINGS AMENDMENTS

- **Public bodies shall by July 1, 2023:**
- Adopt a resolution, rule or ordinance that provides a reasonable opportunity for the public to provide verbal and written comments in a meeting of the public body.
- The public comment resolution, rule, or ordinance may limit public verbal and written comments to topics that are germane to the topics to be considered during the meeting.

## EXCLUSIONS TO THE PUBLIC COMMENT RULE

1. Work sessions of the public body
2. Planning commission meetings
3. Advisory bodies to the public body

# ADMINISTRATIVE CONTROL BOARDS

## **17D-1-307 Meetings of administrative control board**

- Adopt rules of order and procedure to govern a public meeting
- Make the rules of order available to the public, and -
- On a website if the special service district has a website
- Shall comply with Open and Public Meeting Act

# ELECTRONIC MEETINGS

- **52-4-207 Electronic Meetings - Authorization – Requirements**
- Public body must adopt a resolution, rule, or ordinance governing an electronic meeting
- A quorum of the public body must be present at at a single anchor location for the meeting.
- Request the electronic meeting at least three day in advance.
- Post written public notice of the electronic meeting at the anchor location.
- Provide space and facilities for the public at the anchor location..



## ELECTRONIC MEETINGS - EXCEPTIONS

- If the anchor location where the public body normally meets has been ordered closed for health or safety reasons
- If conducting the meeting at an anchor location presents a substantial risk to the health or safety of those present at the anchor location.
- If a special service district has a certain number of board members and residents who do not live permanently within the special service but who receive services or intend to receive services from the special service district.

# AMENDMENT I

- Congress shall make no no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press;
- or the right of the people *peaceably* to assemble and to petition the Government for a redress of grievances.