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**Summary of 11 Key Changes to the
Open and Public Meetings Act with Statewide Impact
2007 General Session**

Key Change	Bill Language
<p>1. Authorizes the creation of the Utah Public Notice Website to assist the public to find, search, and subscribe to posted public notices of any public body in the state (administered by the Division of Archives and Records Services)</p>	<p><u>"(2) There is created the Utah Public Notice Website to be administered by the Division of Archives and Records Service.</u> <u>(3) The website shall consist of an Internet website provided to assist the public to find posted public notices of a public body of the state and its political subdivisions as required under Title 52, Chapter 4, Open and Public Meetings Act, and under other state statutes or state agency rules.</u> <u>(4) The division, with the technical assistance of the Department of Technology Services, shall create the website which shall:</u> <u>(a) allow a public body, or other certified entity, to easily post any public notice information that the public body or other entity is required to post under statute;</u> <u>(b) allow the public to search the public notices by:</u> <u>(i) public body name;</u> <u>(ii) date of posting of the notice;</u> <u>(iii) date of any meeting or deadline included as part of the public notice; and</u> <u>(iv) any other criteria approved by the division;</u> <u>(c) allow the public to search and view past, archived public notices;</u> <u>(d) allow a person to subscribe to receive updates and notices associated with a public body or a particular type of notice;</u> <u>(e) be easily accessible by the public from the State of Utah home page;</u> <u>(f) have a unique and simplified website address;</u> <u>(g) be directly accessible via a link from the main page of the official state website; and</u> <u>(h) include other links, features, or functionality that will assist the public in obtaining and reviewing information in relation to public notices posted on the website, as may be approved by the division.</u> <u>(5) The division shall be responsible for:</u> <u>(a) establishing and maintaining the website, including the provision of equipment, resources, and personnel as is necessary;</u> <u>(b) providing a mechanism for public bodies or other certified entities to have access to the website for the purpose of posting and modifying notices; and</u> <u>(c) maintaining an archive of all notices posted to the website.</u> <u>(6) The timing for posting and the content of the public notices posted to the website shall be the responsibility of the public body or other entity posting the notice."</u></p> <p><i>H.B. 222 enacted Section 63F-1-701</i></p>

Key Change	Bill Language
<p>2. The Division of Archives and Records Services is required to notify all public bodies of the Utah Public Notice Website and provide periodic training to public bodies on its use</p>	<p>"(1) The division shall <u>provide notice of the provisions and requirements of this chapter to all public bodies that are subject to the provision of Subsection 52-4-202(3)(a)(ii).</u></p> <p>(2) The division shall, as necessary, <u>provide periodic training on the use of the Utah Public Notice Website to public bodies that are authorized to post notice on the website.</u>"</p> <p><i>H.B. 222 enacted Section 63F-1-702</i></p>
<p>3. Beginning April 1, 2008, a notice of a public meeting must be posted on the Utah Public Notice Website, with some exceptions for municipalities and service districts that have an annual budget of less than \$1 million</p>	<p>"(3) (a) Public notice shall be satisfied by:</p> <p> [(a)] (i) posting written notice:</p> <p> (A) at the principal office of the public body, or if no principal office exists, at the building where the meeting is to be held; and</p> <p> (B) <u>beginning April 1, 2008 and except as provided in Subsection (3)(b), on the Utah Public Notice Website created under Section 63F-1-701; and</u></p> <p> [(b)] (ii) providing notice to:</p> <p> [(i)] (A) at least one newspaper of general circulation within the geographic jurisdiction of the public body; or</p> <p> [(ii)] (B) a local media correspondent.</p> <p> (b) <u>A public body of a municipality under Title 10, Utah Municipal Code, a special district under Title 17A, Special Districts, or a local district under Title 17B, Chapter 2, Local Districts, is encouraged, but not required, to post written notice on the Utah Public Notice Website, if the municipality or district has a current annual budget of less than \$1 million.</u>"</p> <p><i>H.B. 222 amendments to Section 52-4-202</i></p>
<p>4. A public body complies with providing notice of a meeting to a newspaper or local media correspondent if the notice is provided by subscription to the Utah Public Notice Website</p>	<p>"(3)(c) <u>A public body is in compliance with the provisions of Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions of Subsection 63F-1-701(4)(d).</u>"</p> <p><i>H.B. 222 amendments to Section 52-4-202</i></p>
<p>5. Prohibits a court from voiding a final action of a public body for failure to post the notice on the Utah Public Notice Website due to unforeseen technology failure</p>	<p>"(1)(b) <u>A court may not void a final action taken by a public body for failure to comply with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:</u></p> <p> <u>(i) the public body otherwise complies with the provisions of Section 52-4-202; and</u></p> <p> <u>(ii) the failure was a result of unforeseen Internet hosting or communication technology failure.</u>"</p> <p><i>H.B. 222 amendments to Section 52-4-302</i></p>

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<p>6. The name of any person who is recognized by the presiding member of the public body that provided testimony or comments and the substance in brief of the public's testimony or comments must be in the minutes</p>	<p><u>"(2) Written minutes of an open meeting shall include:</u> (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 by the public body <u>[including] which may include a summary of comments made by members of the public body;</u> (d) a record, by individual member, of <u>[votes] each vote taken by the public body;</u> (e) the name of each person who <u>is not a member of the public body, and upon recognition by the presiding member of the public body, provided testimony [and] or comments to the public body;</u> (f) the substance, in brief, of <u>[their] the testimony or comments provided by [each person named in] the public under Subsection (2)(e); and</u> (f) (g) any other information that any member requests be entered in the minutes or recording." <i>H.B. 10 amendments to Section 52-4-203</i></p>
<p>7. Notice of an emergency meeting shall include the time, place, and topics to be considered</p>	<p><u>"(5) (a) The notice requirement of Subsection (1) may be disregarded if:</u> (i) because of unforeseen circumstances it is necessary for a public body to hold an emergency meeting to consider matters of an emergency or urgent nature; and (ii) <u>the public body gives the best notice practicable [is given] of:</u> <u>(A) the time and place of the emergency meeting; and</u> <u>(B) the topics to be considered at the emergency meeting."</u> <i>H.B. 204 amendments to Section 52-4-202</i></p>
<p>8. Clarifies that, at the discretion of the presiding member of the public body, topics raised by the public may be discussed at a meeting even if the topics have not been placed on the agenda, if no final action is taken on the topic raised at the meeting</p>	<p><u>"(6)(b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding member of the public body, a topic raised by the public may be discussed during an open meeting, even if the topic raised by the public was not included in the agenda or advance public notice for the meeting.</u> <u>[(b) (c) Except as provided in Subsection (5) [and Subsection (6)(c)], relating to emergency meetings, a public body may not [consider a topic] take final action on a topic in an open meeting [that is not] unless the topic is:</u> (i) listed under an agenda item <u>[under] as required by Subsection (6)(a); and</u> (ii) included with the <u>[advanced] advance public notice [in accordance with] required by this section.</u> <u>[(c) A topic not listed on the open meeting agenda that is raised during an open meeting may be discussed but no final action may be taken by the public body during that meeting.]"</u> <i>H.B. 204 amendments to Section 52-4-202</i></p>
<p>9. All special districts including dependent special districts with annual budget expenditures of \$50,000 or less shall keep either written minutes or a recording of their open meetings</p>	<p><u>"(7) Either written minutes or a recording shall be kept of:</u> (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; and (b) an open meeting of <u>[an independent] a special district as defined under Title 17A, Special Districts, or a local district under Title 17B, Chapter 2, Local Districts, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less."</u> <i>H.B. 257 amendments to Section 52-4-203</i></p>

Key Change	Bill Language
<p>10. A public body includes a body created by the Utah Constitution</p>	<p>"(7) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions that:</p> <ul style="list-style-type: none"> (i) is created by <u>the Utah Constitution</u>, statute, rule, ordinance, or resolution; (ii) consists of two or more persons; (iii) expends, disburses, or is supported in whole or in part by tax revenue; and (iv) is vested with the authority to make decisions regarding the public's business." <p><i>H.B. 10 amendment to Section 52-4-103</i> <i>H.B. 204 amendments to Section 52-4-103</i></p>
<p>11. Requires meeting recordings to be labeled with the date, time, and place of the meeting</p>	<p>"(2) (3) A recording of an open meeting shall:</p> <ul style="list-style-type: none"> <u>(a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting[:]; and</u> <u>(b) be properly labeled or identified with the date, time, and place of the meeting."</u> <p><i>H.B. 10 amendments to Section 52-4-203</i></p>

Note: Each bill is effective on April 30, 2007.

- Sources:**
- H.B. 10 Open and Public Meetings Act Amendments (*Rep. W. Harper*)
 - H.B. 204 Modifications to Open and Public Meetings (*Rep. S. Wyatt*)
 - H.B. 222 Open and Public Meetings Act - Electronic Notice Revisions (*Rep. J. Dougall*)
 - H.B. 257 Open and Public Meetings Act Amendments (*Rep. G. Donnelson*)