

## Part 2 Meetings

### **52-4-201 Meetings open to the public -- Exceptions.**

- (1) A meeting is open to the public unless:
  - (a) closed under Sections 52-4-204, 52-4-205, and 52-4-206; or
  - (b) the meeting is solely for the School Activity Eligibility Commission, described in Section 53G-6-1003, if the commission is in effect in accordance with Section 53G-6-1002, to consider, discuss, or determine, in accordance with Section 53G-6-1004, an individual student's eligibility to participate in an interscholastic activity, as that term is defined in Section 53G-6-1001, including the commission's determinative vote on the student's eligibility.
- (2)
  - (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.
  - (b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:
    - (i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;
    - (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;
    - (iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or
    - (iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Amended by Chapter 524, 2024 General Session

### **52-4-201.3 Local school boards -- Public comment.**

- (1) As used in this section, "local school board" means a board elected under Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.
- (2)
  - (a) A local school board holding a meeting that is open to the public under Section 52-4-201 shall allow a reasonable opportunity for the public to provide verbal comments that are germane to the authority of the local school board.
  - (b) Subsection (2)(a) does not apply to a meeting that is:
    - (i) a work session; or
    - (ii) an emergency meeting as described in Subsection 52-4-202(5).
- (3) No later than July 1, 2023, a local school board shall adopt a written policy that provides a reasonable opportunity for the public to provide both verbal and written comments in a meeting of the local school board that:
  - (a) is open to the public; and
  - (b) is not a meeting described in Subsection (2)(b).
- (4) The written policy described in Subsection (3) may limit public verbal and written comments to topics that are germane to the authority of the local school board.

Enacted by Chapter 100, 2023 General Session

**52-4-202 Public notice of meetings -- Emergency meetings.**

- (1)
  - (a)
    - (i) A public body shall give not less than 24 hours' public notice of each meeting.
    - (ii) A specified body shall give not less than 24 hours' public notice of each meeting that the specified body holds on the capitol hill complex.
  - (b) The public notice required under Subsection (1)(a) shall include the meeting:
    - (i) agenda;
    - (ii) date;
    - (iii) time; and
    - (iv) place.
- (2)
  - (a) In addition to the requirements under Subsection (1), a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its annual meeting schedule as provided in this section.
  - (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of the scheduled meetings.
- (3)
  - (a) Subject to Subsection (3)(c), a public body or specified body satisfies a requirement for public notice by publishing the notice for the public body's jurisdiction, as a class A notice under Section 63G-30-102, for at least 24 hours.
  - (b) A public body whose limited resources make compliance with the requirement to post notice on the Utah Public Notice Website difficult may request the Division of Archives and Records Service, created in Section 63A-12-101, to provide technical assistance to help the public body in its effort to comply.
  - (c) A public body or specified body that is required, under this chapter and Section 63G-30-102, to post notice in a public location within the affected area may comply with the requirement by posting the notice in, on, or near:
    - (i) the anchor location for the meeting; or
    - (ii) the structure or other area where the meeting will be held.
- (4) A public body and a specified body are encouraged to develop and use additional electronic means to provide notice of their meetings under Subsection (3).
- (5)
  - (a) The notice requirement of Subsection (1) may be disregarded if:
    - (i) because of unforeseen circumstances it is necessary for a public body or specified body to hold an emergency meeting to consider matters of an emergency or urgent nature; and
    - (ii) the public body or specified body gives the best notice practicable of:
      - (A) the time and place of the emergency meeting; and
      - (B) the topics to be considered at the emergency meeting.
  - (b) An emergency meeting of a public body may not be held unless:
    - (i) an attempt has been made to notify all the members of the public body; and
    - (ii) a majority of the members of the public body approve the meeting.
- (6)
  - (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

- (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.
- (c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:
  - (i) listed under an agenda item as required by Subsection (6)(a); and
  - (ii) included with the advance public notice required by this section.
- (7) Except as provided in this section, this chapter does not apply to a specified body.

Amended by Chapter 100, 2023 General Session

Amended by Chapter 435, 2023 General Session

**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.
- (2)
  - (a) Written minutes of an open meeting shall include:
    - (i) the date, time, and place of the meeting;
    - (ii) the names of members present and absent;
    - (iii) the substance of all matters proposed, discussed, or decided by the public body which may include a summary of comments made by members of the public body;
    - (iv) a record, by individual member, of each vote taken by the public body;
    - (v) the name of each person who:
      - (A) is not a member of the public body; and
      - (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body;
    - (vi) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(a)(v); and
    - (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.
  - (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that minutes include the substance of matters proposed, discussed, or decided or the substance of testimony or comments by maintaining a publicly available online version of the minutes that provides a link to the meeting recording at the place in the recording where the matter is proposed, discussed, or decided or the testimony or comments provided.
  - (c) A public body that has members who were elected to the public body shall satisfy the requirement described in Subsection (2)(a)(iv) by recording each vote:
    - (i) in list format;
    - (ii) by category for each action taken by a member, including yes votes, no votes, and absent members; and
    - (iii) by each member's name.
- (3) A recording of an open meeting shall:
  - (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
  - (b) be properly labeled or identified with the date, time, and place of the meeting.
- (4)
  - (a) As used in this Subsection (4):

- (i) "Approved minutes" means written minutes:
  - (A) of an open meeting; and
  - (B) that have been approved by the public body that held the open meeting.
- (ii) "Electronic information" means information presented or provided in an electronic format.
- (iii) "Pending minutes" means written minutes:
  - (A) of an open meeting; and
  - (B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.
- (iv) "Specified local public body" means a legislative body of a county, city, or town.
- (v) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.
- (vi) "State website" means the Utah Public Notice Website created under Section 63A-16-601.
- (b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.
- (c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.
- (d) A public body shall require an individual who, at an open meeting of the public body, publicly presents or provides electronic information, relating to an item on the public body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or hard copy of the electronic information for inclusion in the public record.
- (e) A state public body shall:
  - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting:
    - (A) post to the state website a copy of the approved minutes and any public materials distributed at the meeting;
    - (B) make the approved minutes and public materials available to the public at the public body's primary office; and
    - (C) if the public body provides online minutes under Subsection (2)(b), post approved minutes that comply with Subsection (2)(b) and the public materials on the public body's website; and
  - (iii) within three business days after holding an open meeting, post on the state website an audio recording of the open meeting, or a link to the recording.
- (f) A specified local public body shall:
  - (i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting, post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); and
  - (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (g) A public body that is not a state public body or a specified local public body shall:
  - (i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;
  - (ii) within three business days after approving written minutes of an open meeting:
    - (A) post and make available a copy of the approved minutes and any public materials distributed at the meeting, as provided in Subsection (4)(e)(ii); or

- (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to a website on which the approved minutes and any public materials distributed at the meeting are posted; and
- (iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.
- (h) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.
- (i) Approved minutes of an open meeting are the official record of the meeting.
- (5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.
- (6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.
- (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
  - (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or
  - (b) an open meeting of a special district under Title 17B, Limited Purpose Local Government Entities - Special Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 438, 2024 General Session

**52-4-204 Closed meeting held upon vote of members -- Business -- Reasons for meeting recorded.**

- (1) A closed meeting may be held if:
  - (a)
    - (i) a quorum is present;
    - (ii) the meeting is an open meeting for which notice has been given under Section 52-4-202; and
  - (iii)
    - (A) two-thirds of the members of the public body present at the open meeting vote to approve closing the meeting;
    - (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of the members of the public body present at an open meeting vote to approve closing the meeting;
    - (C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;
    - (D) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 63A-15-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint;

- (E) for a project entity that is conducting an open meeting for the purposes of determining the value of an asset, developing a strategy related to the sale or use of that asset;
  - (F) for a project entity that is conducting an open meeting for purposes of discussing a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
  - (G) for a project entity that is conducting an open meeting for purposes of discussing a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential competitor of, the project entity; or
- (b)
- (i) for the Independent Legislative Ethics Commission, the closed meeting is held for the purpose of conducting business relating to the receipt or review of an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";
  - (ii) for the Political Subdivisions Ethics Review Commission established in Section 63A-15-201, the closed meeting is held for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 63A-15-602, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or
  - (iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is held for the purpose of conducting business relating to an ethics complaint, if public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."
- (2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.
- (3)
- (a) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.
  - (b)
    - (i) 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 and return to an open meeting.
    - (ii) A motion to end the closed portion of a meeting may be approved by a majority of the public body members present at the meeting.
- (4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:
- (a) the reason or reasons for holding the closed meeting;
  - (b) the location where the closed meeting will be held; and
  - (c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.
- (5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 381, 2024 General Session  
Amended by Chapter 392, 2024 General Session

**52-4-205 Purposes of closed meetings -- Certain issues prohibited in closed meetings.**

- (1) A closed meeting described under Section 52-4-204 may only be held for:
  - (a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;
  - (b) strategy sessions to discuss collective bargaining;
  - (c) strategy sessions to discuss pending or reasonably imminent litigation;
  - (d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, or to discuss a proposed development agreement, project proposal, or financing proposal related to the development of land owned by the state, if public discussion would:
    - (i) disclose the appraisal or estimated value of the property under consideration; or
    - (ii) prevent the public body from completing the transaction on the best possible terms;
  - (e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:
    - (i) public discussion of the transaction would:
      - (A) disclose the appraisal or estimated value of the property under consideration; or
      - (B) prevent the public body from completing the transaction on the best possible terms;
    - (ii) the public body previously gave public notice that the property would be offered for sale; and
    - (iii) the terms of the sale are publicly disclosed before the public body approves the sale;
  - (f) discussion regarding deployment of security personnel, devices, or systems;
  - (g) investigative proceedings regarding allegations of criminal misconduct;
  - (h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;
  - (i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);
  - (j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;
  - (k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;
  - (l) as relates to the Utah Higher Education Savings Board of Trustees and its appointed board of directors, discussing fiduciary or commercial information;
  - (m) deliberations, not including any information gathering activities, of a public body acting in the capacity of:
    - (i) an evaluation committee under Title 63G, Chapter 6a, Utah Procurement Code, during the process of evaluating responses to a solicitation, as defined in Section 63G-6a-103;
    - (ii) a protest officer, defined in Section 63G-6a-103, during the process of making a decision on a protest under Title 63G, Chapter 6a, Part 16, Protests; or
    - (iii) a procurement appeals panel under Title 63G, Chapter 6a, Utah Procurement Code, during the process of deciding an appeal under Title 63G, Chapter 6a, Part 17, Procurement Appeals Board;
  - (n) the purpose of considering information that is designated as a trade secret, as defined in Section 13-24-2, if the public body's consideration of the information is necessary to properly conduct a procurement under Title 63G, Chapter 6a, Utah Procurement Code;
  - (o) the purpose of discussing information provided to the public body during the procurement process under Title 63G, Chapter 6a, Utah Procurement Code, if, at the time of the meeting:
    - (i) the information may not, under Title 63G, Chapter 6a, Utah Procurement Code, be disclosed to a member of the public or to a participant in the procurement process; and
    - (ii) the public body needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process;

- (p) as relates to the governing board of a governmental nonprofit corporation, as that term is defined in Section 11-13a-102, the purpose of discussing information that is designated as a trade secret, as that term is defined in Section 13-24-2, if:
    - (i) public knowledge of the discussion would reasonably be expected to result in injury to the owner of the trade secret; and
    - (ii) discussion of the information is necessary for the governing board to properly discharge the board's duties and conduct the board's business;
  - (q) as it relates to the Cannabis Production Establishment Licensing Advisory Board, to review confidential information regarding violations and security requirements in relation to the operation of cannabis production establishments;
  - (r) considering a loan application, if public discussion of the loan application would disclose:
    - (i) nonpublic personal financial information; or
    - (ii) a nonpublic trade secret, as defined in Section 13-24-2, or nonpublic business financial information the disclosure of which would reasonably be expected to result in unfair competitive injury to the person submitting the information;
  - (s) a discussion of the board of the Point of the Mountain State Land Authority, created in Section 11-59-201, regarding a potential tenant of point of the mountain state land, as defined in Section 11-59-102; or
  - (t) a purpose for which a meeting is required to be closed under Subsection (2).
- (2) The following meetings shall be closed:
- (a) a meeting of the Health and Human Services Interim Committee to review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2);
  - (b) a meeting of the Child Welfare Legislative Oversight Panel to:
    - (i) review a report described in Subsection 26B-1-506(1)(a), and a response to the report described in Subsection 26B-1-506(2); or
    - (ii) review and discuss an individual case, as described in Subsection 36-33-103(2);
  - (c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law;
  - (d) a meeting of the Compassionate Use Board established in Section 26B-1-421 for the purpose of reviewing petitions for a medical cannabis card in accordance with Section 26B-1-421;
  - (e) a meeting of the Colorado River Authority of Utah if:
    - (i) the purpose of the meeting is to discuss an interstate claim to the use of the water in the Colorado River system; and
    - (ii) failing to close the meeting would:
      - (A) reveal the contents of a record classified as protected under Subsection 63G-2-305(81);
      - (B) reveal a legal strategy relating to the state's claim to the use of the water in the Colorado River system;
      - (C) harm the ability of the Colorado River Authority of Utah or river commissioner to negotiate the best terms and conditions regarding the use of water in the Colorado River system; or
      - (D) give an advantage to another state or to the federal government in negotiations regarding the use of water in the Colorado River system;
  - (f) a meeting of the General Regulatory Sandbox Program Advisory Committee if:
    - (i) the purpose of the meeting is to discuss an application for participation in the regulatory sandbox as defined in Section 63N-16-102; and



- (ii) failing to close the meeting would reveal the contents of a record classified as protected under Subsection 63G-2-305(82); and
- (g) a meeting of a project entity if:
  - (i) the purpose of the meeting is to conduct a strategy session to discuss market conditions relevant to a business decision regarding the value of a project entity asset if the terms of the business decision are publicly disclosed before the decision is finalized and a public discussion would:
    - (A) disclose the appraisal or estimated value of the project entity asset under consideration; or
    - (B) prevent the project entity from completing on the best possible terms a contemplated transaction concerning the project entity asset;
  - (ii) the purpose of the meeting is to discuss a record, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity;
  - (iii) the purpose of the meeting is to discuss a business decision, the disclosure of which could cause commercial injury to, or confer a competitive advantage upon a potential or actual competitor of, the project entity; or
  - (iv) failing to close the meeting would prevent the project entity from getting the best price on the market.
- (3) In a closed meeting, a public body may not:
  - (a) interview a person applying to fill an elected position;
  - (b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or
  - (c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 135, 2024 General Session

Amended by Chapter 288, 2024 General Session

Amended by Chapter 506, 2024 General Session

Amended by Chapter 524, 2024 General Session

#### **52-4-206 Record of closed meetings.**

- (1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:
  - (a) shall make a recording of the closed portion of the meeting; and
  - (b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.
- (2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.
- (3) The recording and any minutes of a closed meeting 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 the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.
- (4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

- (5) A recording, transcript, report, and written minutes of a closed meeting are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records:
  - (a) may be disclosed under a court order only as provided under Section 52-4-304; and
  - (b) shall be disclosed, upon request, to the Office of the Legislative Auditor General under Section 36-12-15.
- (6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):
  - (a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and
  - (b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 21, 2023 General Session

**52-4-207 Electronic meetings -- Authorization -- Requirements.**

- (1) Except as otherwise provided for a charter school in Section 52-4-209, a public body may conduct a meeting that some or all members of the public body attend through an electronic video, audio, or both video and audio connection, in accordance with this section.
- (2)
  - (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.
  - (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an electronic meeting shall establish the conditions under which a remote member is included in calculating a quorum.
  - (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:
    - (i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;
    - (ii) require a quorum of the public body to:
      - (A) be present at a single anchor location for the meeting; and
      - (B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic video, audio, or both video and audio connection;
    - (iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;
    - (iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability;
    - (v) if the public body is statutorily authorized to allow a member of the public body to act by proxy, establish the conditions under which a member may vote or take other action by proxy;
    - (vi) provide a procedure for recording votes of members, including defining circumstances under which a roll call vote is required; or
    - (vii) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that conducts an electronic meeting shall:
  - (a) give public notice of the electronic meeting in accordance with Section 52-4-202; and

- (b) except as otherwise provided in a rule of the Legislature applicable to the public body, at least 24 hours before the electronic meeting is scheduled to begin, provide each member of the public body a description of how to connect to the meeting.
- (4)
  - (a) Except as provided in Subsection (5), a public body that conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.
  - (b) A public body that conducts an electronic meeting may provide means by which members of the public may participate remotely by electronic means.
- (5) Subsection (4)(a) does not apply to an electronic meeting if:
  - (a)
    - (i) the chair of the public body determines that:
      - (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present or who would otherwise be present at the anchor location; or
      - (B) the location where the public body would normally meet has been ordered closed to the public for health or safety reasons; and
    - (ii) the public notice for the meeting includes:
      - (A) a statement describing the chair's determination under Subsection (5)(a)(i);
      - (B) a summary of the facts upon which the chair's determination is based; and
      - (C) information on how a member of the public may participate in the meeting remotely by electronic means;
  - (b)
    - (i) during the course of the electronic meeting, the chair:
      - (A) determines that continuing to conduct the electronic meeting as provided in Subsection (4)(a) presents a substantial risk to the health or safety of those present at the anchor location; and
      - (B) announces during the electronic meeting the chair's determination under Subsection (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and
    - (ii) in conducting the electronic meeting, the public body has provided means by which members of the public who are not physically present at the anchor location may participate in the electronic meeting remotely by electronic means;
  - (c)
    - (i) the public body is a special district board of trustees established under Title 17B, Chapter 1, Part 3, Board of Trustees;
    - (ii) the board of trustees' membership consists of:
      - (A) at least two members who are elected or appointed to the board as owners of land, or as an agent or officer of the owners of land, under the criteria described in Subsection 17B-1-302(2)(b); or
      - (B) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17B-1-302(3)(b)(ii);
    - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and
    - (iv) the board of trustees allows members of the public to participate in the meeting remotely by electronic means;
  - (d)

- (i) the public body is a special service district administrative control board established under Title 17D, Chapter 1, Part 3, Administrative Control Board;
  - (ii) the administrative control board's membership consists of:
    - (A) at least one member who is elected or appointed to the board as an owner of land, or as an agent or officer of the owner of land, under the criteria described in Subsection 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or
    - (B) members that qualify for election or appointment to the board because the owners of real property in the special service district meet or exceed the threshold percentage described in Subsection 17D-1-304(1)(b)(i);
  - (iii) the public notice required under Subsection 52-4-202(3)(a) for the electronic meeting includes information on how a member of the public may participate in the meeting remotely by electronic means; and
  - (iv) the administrative control board allows members of the public to participate in the meeting remotely by electronic means; or
  - (e) all public body members attend the meeting remotely through an electronic video, audio, or both video and audio connection, 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 the open portions of the meeting.
- (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which the chair of the public body makes the determination.
- (7) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.
- (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to vote or otherwise act by proxy.

Amended by Chapter 381, 2024 General Session

Amended by Chapter 388, 2024 General Session

Amended by Chapter 392, 2024 General Session

**52-4-208 Predetermining public body action prohibited -- Exception.**

- (1) Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter.
- (2) Subsection (1) does not apply to an individual acting as a member of a body that is not a public body under Subsection 52-4-103(7)(c).

Repealed and Re-enacted by Chapter 392, 2024 General Session

**52-4-209 Electronic meetings for charter school board.**

- (1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:
  - (a) "Anchor location" means a physical location where:
    - (i) the charter school board would normally meet if the charter school board were not holding an electronic meeting; and
    - (ii) space, a facility, and technology are provided to the public to monitor and, if public comment is allowed, to participate in an electronic meeting during regular business hours.

- (b) "Charter school board" means the governing board of a school created under Title 53G, Chapter 5, Charter Schools.
  - (c) "Meeting" means the convening of a charter school board:
    - (i) with a quorum who:
      - (A) monitors a website at least once during the electronic meeting; and
      - (B) casts a vote on a website, if a vote is taken; and
    - (ii) for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the charter school board has jurisdiction or advisory power.
  - (d) "Monitor" means to:
    - (i) read all the content added to a website by the public or a charter school board member; and
    - (ii) view a vote cast by a charter school board member on a website.
  - (e) "Participate" means to add content to a website.
- (2)
- (a) A charter school board may conduct an electronic meeting in accordance with Section 52-4-207.
  - (b) A charter school board may conduct an electronic meeting in accordance with this section that is in writing on a website if:
    - (i) the chair verifies that a quorum monitors the website;
    - (ii) the content of the website is available to the public;
    - (iii) the chair controls the times in which a charter school board member or the public participates; and
    - (iv) the chair requires a person to identify himself or herself if the person:
      - (A) participates; or
      - (B) casts a vote as a charter school board member.
- (3) A charter school that conducts an electronic meeting under this section shall:
- (a) give public notice of the electronic meeting:
    - (i) in accordance with Section 52-4-202; and
    - (ii) by posting written notice at the anchor location as required under Section 52-4-207;
  - (b) in addition to giving public notice required by Subsection (3)(a), provide:
    - (i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;
    - (ii) a description of how the members and the public may be connected to the electronic meeting;
    - (iii) a start and end time for the meeting, which shall be no longer than 5 days; and
    - (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
  - (c) provide an anchor location.
- (4) The chair shall:
- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
  - (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.

- (7)
  - (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.
  - (b)
    - (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
    - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
  - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8)
  - (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
    - (i) is secure; and
    - (ii) provides with reasonably certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
  - (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 392, 2024 General Session

**52-4-210 Electronic message transmissions.**

Nothing in this chapter may be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in a meeting.

Amended by Chapter 392, 2024 General Session