

Effective 5/3/2023

Effective until 5/1/2024

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 convene and conduct an electronic meeting 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 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; or
 - (vi) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.
- (3) A public body that convenes and conducts an electronic meeting shall:
 - (a) give public notice of the electronic meeting in accordance with Section 52-4-202;
 - (b) except for an electronic meeting described in Subsection (5), post written notice of the electronic meeting at the anchor location; and
 - (c) 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 electronically connect to the meeting.
- (4)
 - (a) Except as provided in Subsection (5), a public body that convenes and 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 convenes and conducts an electronic meeting may provide means by which members of the public may attend the meeting 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 attend 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 convening 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 attend 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)(a)(ii);
 - (iii) the public notice required under Subsection 52-4-202(3)(a)(i)(B) for the electronic meeting includes information on how a member of the public may attend the meeting remotely by electronic means; and
 - (iv) the board of trustees allows members of the public attending the meeting by remote electronic means to participate in the meeting; or
- (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)(i)(B) for the electronic meeting includes information on how a member of the public may attend the meeting remotely by electronic means; and
 - (iv) the administrative control board allows members of the public attending the meeting by remote electronic means to participate in 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.
- (9) Except for a unanimous vote, a public body that is conducting an electronic meeting shall take all votes by roll call.