

**OPEN AND PUBLIC MEETINGS -
ELECTRONIC NOTICE**

2007 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John Dougall

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act to amend provisions related to electronic notice of public meetings.

Highlighted Provisions:

This bill:

- ▶ modifies notice requirements in the Interlocal Cooperation Act to ensure compliance with notice provisions of the Open and Public Meetings Act;
- ▶ requires a public body to provide public notice of its meetings on the Internet; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-13-223, as last amended by Chapter 14, Laws of Utah 2006

52-4-202, as renumbered and amended by Chapter 14 and last amended by Chapter 265, Laws of Utah 2006



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

29 Section 1. Section **11-13-223** is amended to read:

30 **11-13-223. Open and public meetings.**

31 (1) To the extent that an interlocal entity is subject to or elects, by formal resolution of
32 its governing body to comply with the provisions of Title 52, Chapter 4, Open and Public
33 Meetings Act, it may for purposes of complying with those provisions:

34 (a) convene and conduct any public meeting by means of a telephonic or
35 telecommunications conference; and

36 (b) give public notice of its meeting pursuant to Section 52-4-202 by[{:].

37 [~~(i) posting written notice at the principal office of the governing body of the interlocal
38 entity, or if no such office exists, at the building where the meeting is to be held; and]~~

39 [~~(ii) providing notice to at least one newspaper of general circulation within the
40 boundaries of the municipality in which that principal office is located, or to a local media
41 correspondent.]~~

42 (2) In order to convene and conduct a public meeting by means of a telephonic or
43 telecommunications conference, each interlocal entity shall if it is subject to or elects by formal
44 resolution of its governing body to comply with Title 52, Chapter 4, Open and Public Meetings
45 Act:

46 (a) in addition to giving public notice required by Subsection (1) provide:

47 (i) notice of the telephonic or telecommunications conference to the members of the
48 governing body at least 24 hours before the meeting so that they may participate in and be
49 counted as present for all purposes, including the determination that a quorum is present; and

50 (ii) a description of how the members will be connected to the telephonic or
51 telecommunications conference;

52 (b) establish written procedures governing the conduct of any meeting at which one or
53 more members of the governing body are participating by means of a telephonic or
54 telecommunications conference;

55 (c) provide for an anchor location for the public meeting at the principal office of the
56 governing body; and

57 (d) provide space and facilities for the physical attendance and participation of
58 interested persons and the public at the anchor location, including providing for interested

59 persons and the public to hear by speaker or other equipment all discussions and deliberations
60 of those members of the governing body participating in the meeting by means of telephonic or
61 telecommunications conference.

62 (3) Compliance with the provisions of this section by a governing body constitutes full
63 and complete compliance by the governing body with the corresponding provisions of Sections
64 52-4-201 and 52-4-202, to the extent that those sections are applicable to the governing body.

65 Section 2. Section **52-4-202** is amended to read:

66 **52-4-202. Public notice of meetings -- Emergency meetings.**

67 (1) A public body shall give not less than 24 hours public notice of each meeting
68 including the meeting:

- 69 (a) agenda;
- 70 (b) date;
- 71 (c) time; and
- 72 (d) place.

73 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
74 regular meetings that are scheduled in advance over the course of a year shall give public
75 notice at least once each year of its annual meeting schedule as provided in this section.

76 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
77 the scheduled meetings.

78 (3) Public notice shall be satisfied by:

79 (a) posting written notice:

80 (i) at the principal office of the public body, or if no principal office exists, at the
81 building where the meeting is to be held; and

82 (ii) on the Internet, in a manner that is easily accessible to citizens that use the Internet;

83 and

84 (b) providing notice to:

85 (i) at least one newspaper of general circulation within the geographic jurisdiction of
86 the public body; or

87 (ii) a local media correspondent.

88 [~~(4) A public body is encouraged to:~~]

89 [~~(a) develop and use electronic means to provide notice of its meetings under~~]

90 Subsection (3)(b);]

91 [~~(b)~~ provide public notice to all other media agencies that make a periodic written
92 request to receive them; and]

93 [~~(c)~~ post public notice of its meetings on the Internet.]

94 [~~(5)~~] (4) (a) The notice requirement of Subsection (1) may be disregarded if:

95 (i) because of unforeseen circumstances it is necessary for a public body to hold an
96 emergency meeting to consider matters of an emergency or urgent nature; and

97 (ii) the best notice practicable is given.

98 (b) An emergency meeting of a public body may not be held unless:

99 (i) an attempt has been made to notify all of its members; and

100 (ii) a majority of its members approves holding the meeting.

101 [~~(6)~~] (5) (a) A public notice that is required to include an agenda under Subsection (2)
102 shall provide reasonable specificity to notify the public as to the topics to be considered at the
103 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

104 (b) Except as provided in Subsection [~~(5)~~] (4) and Subsection [~~(6)~~] (5)(c), a public
105 body may not consider a topic in an open meeting that is not:

106 (i) listed under an agenda item under Subsection [~~(6)~~] (5)(a); and

107 (ii) included with the advanced public notice in accordance with this section.

108 (c) A topic not listed on the open meeting agenda that is raised during an open meeting
109 may be discussed but no final action may be taken by the public body during that meeting.

Legislative Review Note
as of 12-14-06 8:17 AM

Office of Legislative Research and General Counsel

H.B. 222 - Open and Public Meetings - Electronic Notice

Fiscal Note

2007 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Public entities that do not currently have websites may be impacted to bear the cost of creating a webpage to conform to the provisions of this bill.

1/16/2007, 8:26:11 AM, Lead Analyst: Wardrop, T.

Office of the Legislative Fiscal Analyst