

Representative John Dougall proposes the following substitute bill:

1 **OPEN AND PUBLIC MEETINGS -**

2 **ELECTRONIC NOTICE**

3 2007 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: John Dougall**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

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

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ modifies notice requirements in the Interlocal Cooperation Act to ensure
15 compliance with notice provisions of the Open and Public Meetings Act;
16 ▶ requires a public body to provide public notice of its meetings on the Internet
17 instead of requiring that the notice be provided to a newspaper or local media
18 correspondent and gives certain smaller special districts the option of either method
19 of providing public notice;
20 ▶ provides that a public body may use a third party website to post public notices if
21 the website is easily accessible on the Internet; and
22 ▶ makes technical changes.

23 **Monies Appropriated in this Bill:**

24 None

25 **Other Special Clauses:**



26 This bill takes effect on January 1, 2008.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **11-13-223**, as last amended by Chapter 14, Laws of Utah 2006

30 **52-4-202**, as renumbered and amended by Chapter 14 and last amended by Chapter
31 265, Laws of Utah 2006



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

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

35 **11-13-223. Open and public meetings.**

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

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

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

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

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

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

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

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

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

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

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

62 (d) provide space and facilities for the physical attendance and participation of
63 interested persons and the public at the anchor location, including providing for interested
64 persons and the public to hear by speaker or other equipment all discussions and deliberations
65 of those members of the governing body participating in the meeting by means of telephonic or
66 telecommunications conference.

67 (3) Compliance with the provisions of this section by a governing body constitutes full
68 and complete compliance by the governing body with the corresponding provisions of Sections
69 52-4-201 and 52-4-202, to the extent that those sections are applicable to the governing body.

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

71 **52-4-202. Public notice of meetings -- Emergency meetings.**

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

- 74 (a) agenda;
- 75 (b) date;
- 76 (c) time; and
- 77 (d) place.

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

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

83 (3) (a) Public notice shall be satisfied by[~~-(a)~~] posting written notice;

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

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

87 [~~(b) providing notice to:~~]

88 (b) In lieu of posting a written notice on the Internet under Subsection (3)(a)(ii), if a
89 special district as defined under Title 17A, Special Districts, or a local district as defined under
90 Title 17B, Chapter 2, Local Districts, has a current annual budget of less than \$1 million, a
91 public body of the special district or local district may provide the public notice to:

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

94 (ii) a local media correspondent.

95 (4) A public body is encouraged to~~[-(a)]~~ develop and use additional electronic means
96 to provide notice of its meetings under Subsection (3)~~[(b);]~~ to requesters.

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

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

100 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

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

103 (ii) the best notice practicable is given.

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

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

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

107 (6) (a) A public notice that is required to include an agenda under Subsection (2) shall
108 provide reasonable specificity to notify the public as to the topics to be considered at the
109 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

110 (b) Except as provided in Subsection (5) and Subsection (6)(c), a public body may not
111 consider a topic in an open meeting that is not:

112 (i) listed under an agenda item under Subsection (6)(a); and

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

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

116 (7) Nothing in this section shall prohibit a public body from utilizing a third party
117 website as the primary host for posting of public notices as required by this chapter, provided
118 that the third party website is easily accessible to citizens that use the Internet.

119 Section 3. **Effective date.**

120 This bill takes effect on January 1, 2008.