

1                                   **OPEN AND PUBLIC MEETINGS ACT -**  
2   **MEETING RECORD**

3   2009 GENERAL SESSION

4   STATE OF UTAH

5   **Chief Sponsor: Peter C. Knudson**

6   House Sponsor: Douglas C. Aagard

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8 **LONG TITLE**

9 **Committee Note:**

10               The Government Operations Interim Committee recommended this bill.

11 **General Description:**

12               This bill modifies the Open and Public Meetings Act by amending provisions related to  
13 minutes and a recording of an open meeting.

14 **Highlighted Provisions:**

15               This bill:

16               ▶ clarifies that the minutes of a meeting must include information requested to be  
17 added by a member only if that information was part of the proceedings of the  
18 meeting;

19               ▶ provides specific circumstances as to when the written minutes of an open meeting  
20 become a public record;

21               ▶ requires a public body to establish and implement procedures for approval of  
22 written minutes;

23               ▶ requires that a recording of an open meeting must be available to the public for  
24 listening within three business days after the meeting;

25               ▶ repeals a requirement that a recording must be converted to written minutes within a  
26 reasonable time upon request;

27               ▶ provides that a meeting recording is not required for site visits or traveling tour or



28 for certain small local districts; and  
29       ▶ makes technical changes.

30 **Monies Appropriated in this Bill:**

31       None

32 **Other Special Clauses:**

33       None

34 **Utah Code Sections Affected:**

35 AMENDS:

36       **52-4-203**, as last amended by Laws of Utah 2008, Chapters 360 and 382



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

39       Section 1. Section **52-4-203** is amended to read:

40       **52-4-203. Written minutes of open meetings -- Public records -- Recording of**  
41 **meetings.**

42       (1) Except as provided under Subsection [~~(8)~~] (7), written minutes and a recording  
43 shall be kept of all open meetings.

44       (2) Written minutes of an open meeting shall include:

- 45       (a) the date, time, and place of the meeting;
- 46       (b) the names of members present and absent;
- 47       (c) the substance of all matters proposed, discussed, or decided by the public body
- 48 which may include a summary of comments made by members of the public body;

49       (d) a record, by individual member, of each vote taken by the public body;

50       (e) the name of each person who:

51       (i) is not a member of the public body~~[, and upon recognition]; and~~

52       (ii) after being recognized by the presiding member of the public body, provided  
53 testimony or comments to the public body;

54       (f) the substance, in brief, of the testimony or comments provided by the public under  
55 Subsection (2)(e); and

56       (g) any other information that is a record of the proceedings of the meeting that any  
57 member requests be entered in the minutes or recording.

58       (3) A recording of an open meeting shall:

59 (a) be a complete and unedited record of all open portions of the meeting from the  
60 commencement of the meeting through adjournment of the meeting; and

61 (b) be properly labeled or identified with the date, time, and place of the meeting.

62 (4) ~~[(a)]~~ The written minutes and ~~[recordings]~~ recording of an open meeting are public  
63 records ~~[and shall be available within a reasonable time after the meeting:]~~ under Title 63G,  
64 Chapter 2, Government Records Access and Management Act, as follows:

65 (a) Written minutes that have been prepared in a form awaiting only formal approval  
66 by the public body are a public record.

67 (b) Written minutes shall be available to the public within a reasonable time after the  
68 end of the meeting.

69 (c) Written minutes that are made available to the public before approval by the public  
70 body under Subsection (4)(d) shall be clearly identified as "awaiting formal approval" or  
71 "unapproved" or with some other appropriate notice that the written minutes are subject to  
72 change until formally approved.

73 (d) A public body shall establish and implement procedures for the public body's  
74 approval of the written minutes of each meeting.

75 (e) Written minutes are the official record of action taken at the meeting.

76 (f) A recording of an open meeting shall be available to the public for listening within  
77 three business days after the end of the meeting.

78 ~~[(b) An open meeting record kept only by a recording must be converted to written~~  
79 ~~minutes within a reasonable time upon request.]~~

80 (5) All or any part of an open meeting may be independently recorded by any person in  
81 attendance if the recording does not interfere with the conduct of the meeting.

82 (6) ~~[Minutes or recordings]~~ The written minutes or recording of an open meeting that  
83 are required to be retained permanently shall be maintained in or converted to a format that  
84 meets long-term records storage requirements.

85 ~~[(7) Written minutes and recordings of open meetings are public records under Title~~  
86 ~~63G, Chapter 2, Government Records Access and Management Act, but written minutes shall~~  
87 ~~be the official record of action taken at the meeting:]~~

88 ~~[(8) Either written minutes or a recording shall be kept of:]~~

89 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

- 90 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken  
91 by the public body; [~~and~~] or  
92 (b) an open meeting of a local district under Title 17B, Limited Purpose Local  
93 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,  
94 Special Service District Act, if the district's annual budgeted expenditures for all funds,  
95 excluding capital expenditures and debt service, are \$50,000 or less.
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**Legislative Review Note**  
**as of 11-20-08 10:59 AM**

**Office of Legislative Research and General Counsel**

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**S.B. 26 - Open and Public Meetings Act - Meeting Record**

**Fiscal Note**

2009 General Session

State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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