

1                                   **OPEN AND PUBLIC MEETINGS REVISIONS**  
2                                   **RELATED TO REVIEW OF ETHICS**  
3                                   **COMPLAINTS**

4                                   2010 GENERAL SESSION

5                                   STATE OF UTAH

6                                   **Chief Sponsor: John L. Valentine**

7                                   House Sponsor: David Litvack

---

---

8  
9                                   **LONG TITLE**

10                                  **General Description:**

11                                  This bill modifies provisions of the Open and Public Meetings Act.

12                                  **Highlighted Provisions:**

13                                  This bill:

14                                  ▶ authorizes the Independent Legislative Ethics Commission to convene a closed  
15 meeting without first commencing an open meeting and voting to close the meeting

16 if:

17                                  • the purpose of the meeting is to conduct business relating to the receipt or  
18 review of an ethics complaint; and

19                                  • it provides advance public notice of the closed meeting;

20                                  ▶ provides that an ethics committee of the Legislature may close a meeting by a  
21 majority vote of the members present if the committee is meeting for the purpose of  
22 reviewing an ethics complaint and the meeting is closed for the purpose of:

23                                  • conducting deliberations to reach a decision on an ethics complaint; or

24                                  • seeking legal advice on legal, evidentiary, or procedural matters; and

25                                  ▶ makes technical changes.

26                                  **Monies Appropriated in this Bill:**

27                                  None

28                                  **Other Special Clauses:**

29                                  This bill provides an immediate effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **52-4-204**, as last amended by Laws of Utah 2006, Chapter 263 and renumbered and  
33 amended by Laws of Utah 2006, Chapter 14

34 **52-4-205**, as renumbered and amended by Laws of Utah 2006, Chapter 14



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

37 Section 1. Section **52-4-204** is amended to read:

38 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
39 **meeting recorded.**

40 (1) A closed meeting may be held if:

41 (a) [~~if~~] (i) a quorum is present; [~~and~~]

42 (ii) the meeting is an open meeting for which notice has been given under Section  
43 52-4-202; and

44 [~~(b) if~~] (iii) (A) two-thirds of the members of the public body present at [~~an~~] the open  
45 meeting [~~for which notice is given under Section 52-4-202~~] vote to approve closing the  
46 meeting[~~;~~]; or

47 (B) for an ethics committee of the Legislature that is conducting an open meeting for  
48 the purpose of reviewing an ethics complaint, a majority of the members present vote to  
49 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
50 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
51 complaint; or

52 (b) for the Independent Legislative Ethics Commission, the closed meeting is  
53 convened for the purpose of conducting business relating to the receipt or review of an ethics  
54 complaint, provided that public notice of the closed meeting is given under Section 52-4-202,  
55 with the agenda for the meeting stating that the meeting will be closed for the purpose of  
56 "conducting business relating to the receipt or review of ethics complaints".

57 (2) A closed meeting is not allowed unless each matter discussed in the closed meeting

58 is permitted under Section 52-4-205.

59 (3) An ordinance, resolution, rule, regulation, contract, or appointment may not be  
60 approved at a closed meeting.

61 (4) The following information shall be publicly announced and entered on the minutes  
62 of the open meeting at which the closed meeting was approved:

63 (a) the reason or reasons for holding the closed meeting;

64 (b) the location where the closed meeting will be held; and

65 (c) the vote by name, of each member of the public body, either for or against the  
66 motion to hold the closed meeting.

67 (5) Nothing in this chapter shall be construed to require any meeting to be closed to  
68 the public.

69 Section 2. Section **52-4-205** is amended to read:

70 **52-4-205. Purposes of closed meetings.**

71 (1) A closed meeting described under Section 52-4-204 may only be held for:

72 (a) discussion of the character, professional competence, or physical or mental health  
73 of an individual;

74 (b) strategy sessions to discuss collective bargaining;

75 (c) strategy sessions to discuss pending or reasonably imminent litigation;

76 (d) strategy sessions to discuss the purchase, exchange, or lease of real property if  
77 public discussion of the transaction would:

78 (i) disclose the appraisal or estimated value of the property under consideration; or

79 (ii) prevent the public body from completing the transaction on the best possible  
80 terms;

81 (e) strategy sessions to discuss the sale of real property if:

82 (i) public discussion of the transaction would:

83 (A) disclose the appraisal or estimated value of the property under consideration; or

84 (B) prevent the public body from completing the transaction on the best possible  
85 terms;

86 (ii) the public body previously gave public notice that the property would be offered  
87 for sale; and

88 (iii) the terms of the sale are publicly disclosed before the public body approves the  
89 sale;

90 (f) discussion regarding deployment of security personnel, devices, or systems;

91 (g) investigative proceedings regarding allegations of criminal misconduct; ~~and~~

92 (h) as relates to the Independent Legislative Ethics Commission, conducting business  
93 relating to the receipt or review of ethics complaints;

94 (i) as relates to an ethics committee of the Legislature, a purpose permitted under  
95 Subsection 52-4-204(1)(a)(iii)(B); and

96 ~~[(h) discussion by]~~ (j) as relates to a county legislative body [of], discussing  
97 commercial information as defined in Section 59-1-404.

98 (2) A public body may not interview a person applying to fill an elected position in a  
99 closed meeting.

100 **Section 3. Effective date.**

101 If approved by two-thirds of all the members elected to each house, this bill takes effect  
102 upon approval by the governor, or the day following the constitutional time limit of Utah  
103 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,  
104 the date of veto override.