

Senator Curtis S. Bramble proposes the following substitute bill:

OPEN AND PUBLIC MEETINGS REVISIONS

RELATED TO REVIEW OF ETHICS

COMPLAINTS

2010 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: John L. Valentine

House Sponsor: John Dougall

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

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

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

- it provides advance public notice of the closed meeting;

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

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

- seeking legal advice on legal, evidentiary, or procedural matters; and

▶ 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 the
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 convened
53 for the purpose of conducting business relating to the receipt or review of an ethics complaint,
54 provided that public notice of the closed meeting is given under Section 52-4-202, with the
55 agenda for the meeting stating that the meeting will be closed for the purposes of "conducting
56 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 the
68 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 terms;

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

81 (i) public discussion of the transaction would:

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

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

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

86 (iii) the terms of the sale are publicly disclosed before the public body approves the
87 sale;

88 (f) discussion regarding deployment of security personnel, devices, or systems;
89 (g) investigative proceedings regarding allegations of criminal misconduct; ~~[and]~~
90 (h) as relates to the Independent Legislative Ethics Commission, conducting business
91 relating to the receipt or review of ethics complaints;

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

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

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

98 Section 3. **Effective date.**

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

Fiscal Note**S.B. 136 2nd Sub. (Salmon) - Open and Public Meetings Revisions Related to
Review of Ethics Complaints**

2010 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

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.
