

Representative Bradley M. Daw proposes the following substitute bill:

ELECTRONIC MEETINGS REVISIONS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill modifies provisions of the Open and Public Meetings Act relating to electronic meetings.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ establishes a pilot program for charter schools to conduct electronic meetings that:
 - establish time limits on the electronic meeting;
 - prohibit closed meetings; and
 - provide a method for public notice and participation; and
 - require new notice to be given each time a topic to be considered at an electronic meeting has not been listed as an agenda item;
- ▶ establishes reporting requirements to the Public Utilities and Technology Interim Committee; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **52-4-207**, as last amended by Laws of Utah 2007, Chapter 45

30 ENACTS:

31 **52-4-209**, Utah Code Annotated 1953



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

34 Section 1. Section **52-4-207** is amended to read:

35 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

36 (1) [~~A~~] Except as otherwise provided for a charter school in Section 52-4-209, a public
37 body may convene and conduct an electronic meeting in accordance with this section.

38 (2) (a) A public body may not hold an electronic meeting unless the public body has
39 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

40 (b) The resolution, rule, or ordinance may:

41 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical
42 considerations;

43 (ii) require a quorum of the public body to:

44 (A) be present at a single anchor location for the meeting; and

45 (B) vote to approve establishment of an electronic meeting in order to include other
46 members of the public body through an electronic connection;

47 (iii) require a request for an electronic meeting to be made by a member of a public
48 body up to three days prior to the meeting to allow for arrangements to be made for the
49 electronic meeting;

50 (iv) restrict the number of separate connections for members of the public body that are
51 allowed for an electronic meeting based on available equipment capability; or

52 (v) establish other procedures, limitations, or conditions governing electronic meetings
53 not in conflict with this section.

54 (3) A public body that convenes or conducts an electronic meeting shall:

55 (a) give public notice of the meeting:

56 (i) in accordance with Section 52-4-202; and

- 57 (ii) post written notice at the anchor location;
- 58 (b) in addition to giving public notice required by Subsection (3)(a), provide:
- 59 (i) notice of the electronic meeting to the members of the public body at least 24 hours
- 60 before the meeting so that they may participate in and be counted as present for all purposes,
- 61 including the determination that a quorum is present; and
- 62 (ii) a description of how the members will be connected to the electronic meeting;
- 63 (c) establish one or more anchor locations for the public meeting, at least one of which
- 64 is in the building and political subdivision where the public body would normally meet if they
- 65 were not holding an electronic meeting;
- 66 (d) provide space and facilities at the anchor location so that interested persons and the
- 67 public may attend and monitor the open portions of the meeting; and
- 68 (e) if comments from the public will be accepted during the electronic meeting, provide
- 69 space and facilities at the anchor location so that interested persons and the public may attend,
- 70 monitor, and participate in the open portions of the meeting.

71 (4) Compliance with the provisions of this section by a public body constitutes full and
 72 complete compliance by the public body with the corresponding provisions of Sections
 73 52-4-201 and 52-4-202.

74 Section 2. Section **52-4-209** is enacted to read:

75 **52-4-209. Electronic meetings for charter schools -- Pilot program.**

76 (1) As used in this section, "charter school" means a school created under Title 53A,
 77 Chapter 1a, Part 5, The Utah Charter Schools Act.

78 (2) The Electronic Meetings for Charter Schools Pilot Program is created to pilot the
 79 development and implementation of electronic meetings for charter schools.

80 (3) Beginning May 10, 2011 and ending May 8, 2012, a charter school may convene
 81 and conduct an electronic meeting in accordance with this section.

82 (4) A charter school that conducts an electronic meeting under this section shall:

83 (a) give public notice of the electronic meeting:

84 (i) in accordance with Section 52-4-202; and

85 (ii) post written notice at the anchor location as required under Section 52-4-207;

86 (b) in addition to giving public notice required by Subsection (3)(a), provide:

87 (i) notice of the electronic meeting to the members of the charter school at least 24

88 hours before the meeting so that they may participate in and be counted as present for all
89 purposes, including the determination that a quorum is present;

90 (ii) a description of how the members will be connected to the electronic meeting; and

91 (iii) a start and end time for the meeting, which shall be no longer than 24 hours; and

92 (c) provide space, facilities, and technology in the building where the charter school
93 board would normally meet if they were not holding an electronic meeting so the public may
94 attend, monitor and participate in the meeting during regular business hours.

95 (5) A charter school conducting an electronic meeting under this section may not close
96 a meeting as otherwise allowed under this part.

97 (6) Written minutes and a recording shall be kept of an electronic meeting conducted as
98 required in Section 52-4-203.

99 (7) Written minutes are the official record of action taken at an electronic meeting as
100 required in Section 52-4-203.

101 (8) Compliance with the provisions of this section by a charter school constitutes full
102 and complete compliance by the public body with the corresponding provisions of Sections
103 52-4-201 and 52-4-202.

104 (9) A charter school that conducts an electronic meeting under this section shall report
105 to the Public Utility and Technology Interim Committee by October 1, 2011, as to the
106 effectiveness of conducting business via electronic meetings under this section.

FISCAL NOTE

H.B. 106 1st Sub. (Buff)

SHORT TITLE: **Electronic Meetings Revisions**

SPONSOR: **Daw, B.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.