

PUBLIC OFFICIAL CONTACT INFORMATION

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Howard A. Stephenson

House Sponsor: Carl Wimmer

LONG TITLE

General Description:

This bill requires elected officials and school community council members to have contact information and accordingly amends the Government Records Access and Management Act.

Highlighted Provisions:

This bill:

- ▶ requires a community council member to have a telephone number and email address where the member can be reached;
- ▶ requires an elected official to have a telephone number and email address where the official can be reached;
- ▶ provides that the contact information is public under the Government Records Access and Management Act; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-1a-108, as last amended by Laws of Utah 2008, Chapters 157, 178, and 332



28 **63G-2-301**, as last amended by Laws of Utah 2009, Chapter 344

29 ENACTS:

30 **11-46-101**, Utah Code Annotated 1953

31 **11-46-102**, Utah Code Annotated 1953

32 **11-46-103**, Utah Code Annotated 1953



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

35 Section 1. Section **11-46-101** is enacted to read:

36 **CHAPTER 46. ACCESS TO ELECTED OFFICIALS**

37 **11-46-101. Title.**

38 This chapter is known as "Access to Elected Officials."

39 Section 2. Section **11-46-102** is enacted to read:

40 **11-46-102. Definitions.**

41 For purposes of this chapter, "elected official" means each person elected to a county
42 office, municipal office, school board or school district office, local district office, or special
43 service district office, but does not include judges.

44 Section 3. Section **11-46-103** is enacted to read:

45 **11-46-103. Public contact information.**

46 Each elected official shall have a telephone number and an email address where that
47 elected official may be reached.

48 Section 4. Section **53A-1a-108** is amended to read:

49 **53A-1a-108. School community councils authorized -- Duties -- Composition --**
50 **Election procedures and selection of members.**

51 (1) As used in this section:

52 (a) (i) "Parent or guardian member" means a member of a school community council
53 who is a parent or guardian of a student who is attending the school or who will be enrolled at
54 the school at any time during the parent's or guardian's initial term of office.

55 (ii) "Parent or guardian member" may not include a person who meets the definition of
56 a school employee member unless the person's employment at the school does not exceed an
57 average of six hours per week.

58 (b) "School employee member" means a member of a school community council who

59 is a person employed at a school by the school or school district, including the principal.

60 (2) Each public school, in consultation with its local school board, shall establish a
61 school community council at the school building level.

62 (3) (a) Each school community council shall:

63 (i) develop a school improvement plan in accordance with Section 53A-1a-108.5;

64 (ii) develop the School LAND Trust Program in accordance with Section
65 53A-16-101.5;

66 (iii) assist in the development and implementation of a staff professional development
67 plan as provided by Section 53A-3-701;

68 (iv) develop a child access routing plan in accordance with Section 53A-3-402; and

69 (v) advise and make recommendations to school and school district administrators and
70 the local school board regarding the school and its programs, school district programs, and
71 other issues relating to the community environment for students.

72 (b) In addition to the duties specified in Subsection (3)(a), a school community council
73 for an elementary school shall develop a reading achievement plan in accordance with Section
74 53A-1-606.5.

75 (4) (a) Each school community council shall consist of school employee members and
76 parent or guardian members in accordance with this section.

77 (b) Except as provided in Subsection (4)(c):

78 (i) each school community council for a high school shall have six parent or guardian
79 members and five school employee members, including the principal; and

80 (ii) each school community council for a school other than a high school shall have
81 four parent or guardian members and three school employee members, including the principal.

82 (c) (i) A school community council may have a larger membership provided that the
83 number of parent or guardian members exceeds the number of school employee members.

84 (ii) A school community council may have a smaller membership provided that:

85 (A) the number of parent or guardian members exceeds the number of school employee
86 members; and

87 (B) there are at least two school employee members on the school community council.

88 (5) (a) Each school employee member, except the principal, shall be elected by secret
89 ballot by a majority vote of the school employees and serve a two-year term. The principal

90 shall serve as an ex officio member with full voting privileges.

91 (b) (i) Each parent or guardian member shall be elected by secret ballot at an election
92 held at the school by a majority vote of those voting at the election and serve a two-year term.

93 (ii) Only parents or guardians of students attending the school may vote at the election
94 under Subsection (5)(b)(i).

95 (iii) Any parent or guardian of a student who meets the qualifications of this section
96 may file or declare himself as a candidate for election to a school community council.

97 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
98 the available community council positions to school employees, parents, and guardians at least
99 14 days before the date that voting commences for the elections held under Subsections (5)(a)
100 and (5)(b).

101 (ii) The notice shall include:

102 (A) the dates and times of the elections;

103 (B) a list of council positions that are up for election; and

104 (C) instructions for becoming a candidate for a community council position.

105 (iii) The principal of the school, or the principal's designee, shall oversee the elections
106 held under Subsections (5)(a) and (5)(b).

107 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a
108 secure ballot box[;].

109 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
110 available to the public upon request.

111 (e) (i) If a parent or guardian position on a school community council remains unfilled
112 after an election is held, the other parent or guardian members of the council shall appoint a
113 parent or guardian who meets the qualifications of this section to fill the position.

114 (ii) If a school employee position on a school community council remains unfilled after
115 an election is held, the other school employee members of the council shall appoint a school
116 employee to fill the position.

117 (iii) The chair of the community council shall notify the local school board of each
118 appointment made under Subsection (5)(e)[(i), (ii), or (iii)].

119 (iv) A member appointed to a school community council under Subsection (5)(e)(i) or
120 (ii) shall serve a two-year term.

121 (f) Initial terms shall be staggered so that no more than 50% of the council members
122 stand for election in any one year.

123 (g) (i) Each public school, in consultation with its local school board, shall set the
124 beginning date of the term of office for school community council members.

125 (ii) Council members may serve up to three successive terms.

126 (h) (i) Each school community council shall elect a chair and vice chair from its parent
127 or guardian members and elected employee members.

128 (ii) No more than one parent or guardian member or elected employee member may at
129 the same time serve as an officer specified in Subsection (5)(h)(i).

130 (6) (a) A school community council may create subcommittees or task forces to:

131 (i) advise or make recommendations to the council; or

132 (ii) develop all or part of a plan listed in Subsection (3).

133 (b) Any plan or part of a plan developed by a subcommittee or task force shall be
134 subject to the approval of the school community council.

135 (c) A school community council may appoint individuals who are not council members
136 to serve on a subcommittee or task force, including parents, school employees, or other
137 community members.

138 (7) (a) A school community council shall provide the following information:

139 (i) the proposed school community council meeting schedule for the year, provided
140 during the first two weeks of the school year;

141 (ii) a summary of the school community council's actions and activities during the first
142 half of the school year information, provided at the mid-point of the school year; ~~and~~

143 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
144 school's School LAND Trust Program monies were used to enhance or improve academic
145 excellence at the school and implement a component of the school's improvement plan,
146 provided at the beginning of the next school year[-]; and

147 (iv) a telephone number and email address where each community council member
148 can be reached.

149 (b) The school community council shall provide the information described in
150 Subsection (7)(a) by:

151 (i) posting the information on the school's website; and

152 (ii) providing individual delivery to each household that has a student attending the
153 school by:

154 (A) mailing the information;

155 (B) delivering a voice message describing the information and explaining where to
156 obtain the full information;

157 (C) sending an email message containing the information;

158 (D) providing the information in a packet that is to be delivered to a student's parent or
159 guardian:

160 (I) during the school's annual registration period; or

161 (II) with the student's report card; or

162 (E) using a combination of the methods described in Subsections (7)(b)(ii)(A) through
163 (D).

164 (8) A school community council shall, at least one week prior to a meeting, post the
165 following information on the school's website:

166 (a) notice of the meeting date, time, and place;

167 (b) an agenda for the meeting; and

168 (c) a summary of the previous meeting.

169 Section 5. Section **63G-2-301** is amended to read:

170 **63G-2-301. Records that must be disclosed.**

171 (1) As used in this section:

172 (a) "Business address" means a single address of a governmental agency designated for
173 the public to contact an employee or officer of the governmental agency.

174 (b) "Business email address" means a single email address of a governmental agency
175 designated for the public to contact an employee or officer of the governmental agency.

176 (c) "Business telephone number" means a single telephone number of a governmental
177 agency designated for the public to contact an employee or officer of the governmental agency.

178 (2) The following records are public except to the extent they contain information
179 expressly permitted to be treated confidentially under the provisions of Subsections

180 63G-2-201(3)(b) and (6)(a):

181 (a) laws;

182 (b) the name, gender, gross compensation, job title, job description, business address,

183 business email address, business telephone number, number of hours worked per pay period,
184 dates of employment, and relevant education, previous employment, and similar job
185 qualifications of a current or former employee or officer of the governmental entity, excluding:
186 (i) undercover law enforcement personnel; and
187 (ii) investigative personnel if disclosure could reasonably be expected to impair the
188 effectiveness of investigations or endanger any individual's safety;
189 (c) final opinions, including concurring and dissenting opinions, and orders that are
190 made by a governmental entity in an administrative, adjudicative, or judicial proceeding except
191 that if the proceedings were properly closed to the public, the opinion and order may be
192 withheld to the extent that they contain information that is private, controlled, or protected;
193 (d) final interpretations of statutes or rules by a governmental entity unless classified as
194 protected as provided in Subsections 63G-2-305(16), (17), and (18);
195 (e) information contained in or compiled from a transcript, minutes, or report of the
196 open portions of a meeting of a governmental entity as provided by Title 52, Chapter 4, Open
197 and Public Meetings Act, including the records of all votes of each member of the
198 governmental entity;
199 (f) judicial records unless a court orders the records to be restricted under the rules of
200 civil or criminal procedure or unless the records are private under this chapter;
201 (g) unless otherwise classified as private under Section 63G-2-303, records or parts of
202 records filed with or maintained by county recorders, clerks, treasurers, surveyors, zoning
203 commissions, the Division of Forestry, Fire, and State Lands, the School and Institutional Trust
204 Lands Administration, the Division of Oil, Gas, and Mining, the Division of Water Rights, or
205 other governmental entities that give public notice of:
206 (i) titles or encumbrances to real property;
207 (ii) restrictions on the use of real property;
208 (iii) the capacity of persons to take or convey title to real property; or
209 (iv) tax status for real and personal property;
210 (h) records of the Department of Commerce that evidence incorporations, mergers,
211 name changes, and uniform commercial code filings;
212 (i) data on individuals that would otherwise be private under this chapter if the
213 individual who is the subject of the record has given the governmental entity written

214 permission to make the records available to the public;

215 (j) documentation of the compensation that a governmental entity pays to a contractor
216 or private provider;

217 (k) summary data; [~~and~~]

218 (l) voter registration records, including an individual's voting history, except for those
219 parts of the record that are classified as private in Subsection 63G-2-302(1)(i)[-];

220 (m) for an elected official, as defined in Section 11-46-102, a telephone number and
221 email address where that elected official may be reached as required in Title 11, Chapter 46,

222 Access to Elected Officials; and

223 (n) for a school community council member, a telephone number and email address
224 where that elected official may be reached as required in Section 53A-1a-108.

225 (3) The following records are normally public, but to the extent that a record is
226 expressly exempt from disclosure, access may be restricted under Subsection 63G-2-201(3)(b),
227 Section 63G-2-302, 63G-2-304, or 63G-2-305:

228 (a) administrative staff manuals, instructions to staff, and statements of policy;

229 (b) records documenting a contractor's or private provider's compliance with the terms
230 of a contract with a governmental entity;

231 (c) records documenting the services provided by a contractor or a private provider to
232 the extent the records would be public if prepared by the governmental entity;

233 (d) contracts entered into by a governmental entity;

234 (e) any account, voucher, or contract that deals with the receipt or expenditure of funds
235 by a governmental entity;

236 (f) records relating to government assistance or incentives publicly disclosed,
237 contracted for, or given by a governmental entity, encouraging a person to expand or relocate a
238 business in Utah, except as provided in Subsection 63G-2-305(35);

239 (g) chronological logs and initial contact reports;

240 (h) correspondence by and with a governmental entity in which the governmental entity
241 determines or states an opinion upon the rights of the state, a political subdivision, the public,
242 or any person;

243 (i) empirical data contained in drafts if:

244 (i) the empirical data is not reasonably available to the requester elsewhere in similar

245 form; and

246 (ii) the governmental entity is given a reasonable opportunity to correct any errors or
247 make nonsubstantive changes before release;

248 (j) drafts that are circulated to anyone other than:

249 (i) a governmental entity;

250 (ii) a political subdivision;

251 (iii) a federal agency if the governmental entity and the federal agency are jointly
252 responsible for implementation of a program or project that has been legislatively approved;

253 (iv) a government-managed corporation; or

254 (v) a contractor or private provider;

255 (k) drafts that have never been finalized but were relied upon by the governmental
256 entity in carrying out action or policy;

257 (l) original data in a computer program if the governmental entity chooses not to
258 disclose the program;

259 (m) arrest warrants after issuance, except that, for good cause, a court may order
260 restricted access to arrest warrants prior to service;

261 (n) search warrants after execution and filing of the return, except that a court, for good
262 cause, may order restricted access to search warrants prior to trial;

263 (o) records that would disclose information relating to formal charges or disciplinary
264 actions against a past or present governmental entity employee if:

265 (i) the disciplinary action has been completed and all time periods for administrative
266 appeal have expired; and

267 (ii) the charges on which the disciplinary action was based were sustained;

268 (p) records maintained by the Division of Forestry, Fire, and State Lands, the School
269 and Institutional Trust Lands Administration, or the Division of Oil, Gas, and Mining that
270 evidence mineral production on government lands;

271 (q) final audit reports;

272 (r) occupational and professional licenses;

273 (s) business licenses; and

274 (t) a notice of violation, a notice of agency action under Section 63G-4-201, or similar
275 records used to initiate proceedings for discipline or sanctions against persons regulated by a

276 governmental entity, but not including records that initiate employee discipline.
277 (4) The list of public records in this section is not exhaustive and should not be used to
278 limit access to records.

Legislative Review Note
as of 1-27-11 3:51 PM

Office of Legislative Research and General Counsel

FISCAL NOTE

S.B. 142

SHORT TITLE: **Public Official Contact Information**

SPONSOR: **Stephenson, H.**

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 and/or benefits 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.