

Representative Marie H. Poulson proposes the following substitute bill:

OPEN AND PUBLIC MEETINGS ACT REVISIONS

2014 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marie H. Poulson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

► requires a public body whose membership includes a legislator to post notice of its meetings on the Legislature's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

52-4-202, as last amended by Laws of Utah 2009, First Special Session, Chapter 5

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

Section 1. Section **52-4-202** is amended to read:

52-4-202. Public notice of meetings -- Emergency meetings.

(1) A public body shall give not less than 24 hours public notice of each meeting



26 including the meeting:

27 (a) agenda;

28 (b) date;

29 (c) time; and

30 (d) place.

31 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
32 regular meetings that are scheduled in advance over the course of a year shall give public
33 notice at least once each year of its annual meeting schedule as provided in this section.

34 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
35 the scheduled meetings.

36 (3) (a) Public notice shall be satisfied by:

37 (i) posting written notice:

38 (A) at the principal office of the public body, or if no principal office exists, at the
39 building where the meeting is to be held; and

40 (B) beginning October 1, 2008 and except as provided in Subsection (3)(b), on the
41 Utah Public Notice Website created under Section 63F-1-701; and

42 (ii) providing notice to:

43 (A) at least one newspaper of general circulation within the geographic jurisdiction of
44 the public body; or

45 (B) a local media correspondent.

46 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
47 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
48 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
49 but not required, to post written notice on the Utah Public Notice Website, if the municipality
50 or district has a current annual budget of less than \$1 million.

51 (c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by
52 providing notice to a newspaper or local media correspondent under the provisions of
53 Subsection 63F-1-701(4)(d).

54 (d) In addition to any other notice required under this section, a public body whose
55 membership includes a legislator, ~~H~~→ **who is officially** ←~~H~~ appointed to the public body by the
55a President of the Senate
56 or Speaker of the House of Representatives, shall cause the notice required in Subsection (1) to

57 be posted on the Legislature's website.

58 (4) A public body is encouraged to develop and use additional electronic means to
59 provide notice of its meetings under Subsection (3).

60 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

61 (i) because of unforeseen circumstances it is necessary for a public body to hold an
62 emergency meeting to consider matters of an emergency or urgent nature; and

63 (ii) the public body gives the best notice practicable of:

64 (A) the time and place of the emergency meeting; and

65 (B) the topics to be considered at the emergency meeting.

66 (b) An emergency meeting of a public body may not be held unless:

67 (i) an attempt has been made to notify all the members of the public body; and

68 (ii) a majority of the members of the public body approve the meeting.

69 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
70 provide reasonable specificity to notify the public as to the topics to be considered at the
71 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

72 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
73 member of the public body, a topic raised by the public may be discussed during an open
74 meeting, even if the topic raised by the public was not included in the agenda or advance public
75 notice for the meeting.

76 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
77 body may not take final action on a topic in an open meeting unless the topic is:

78 (i) listed under an agenda item as required by Subsection (6)(a); and

79 (ii) included with the advance public notice required by this section.