

PUBLIC MEETING NOTICE REQUIREMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jon E. Stanard

Senate Sponsor: Evan J. Vickers

LONG TITLE

General Description:

This bill modifies a provision of the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

- ▶ eliminates language that excuses specified local government entities with an annual budget of less than \$1,000,000 from the requirement to post certain notices to the Utah Public Notice Website; and

- ▶ makes conforming changes to a provision relating to notice of a municipality's intent to prepare a general plan or amendment.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-9a-203, as last amended by Laws of Utah 2009, Chapter 188

52-4-202, as last amended by Laws of Utah 2014, Chapter 434

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

Section 1. Section **10-9a-203** is amended to read:

10-9a-203. Notice of intent to prepare a general plan or comprehensive general plan amendments in certain municipalities.

30 (1) Before preparing a proposed general plan or a comprehensive general plan
31 amendment, each municipality within a county of the first or second class shall provide 10
32 calendar days notice of its intent to prepare a proposed general plan or a comprehensive general
33 plan amendment:

34 (a) to each affected entity;

35 (b) to the Automated Geographic Reference Center created in Section 63F-1-506;

36 (c) to the association of governments, established pursuant to an interlocal agreement
37 under Title 11, Chapter 13, Interlocal Cooperation Act, of which the municipality is a member;
38 and

39 (d) ~~(i)~~ on the Utah Public Notice Website created under Section 63F-1-701 ~~[, if the~~
40 ~~municipality:];~~

41 ~~[(A) is required under Subsection 52-4-202(3) to use that website to provide public~~
42 ~~notice of a meeting; or]~~

43 ~~[(B) voluntarily chooses to provide notice on that website despite not being required to~~
44 ~~do so under Subsection (1)(d)(i)(A); or]~~

45 ~~[(ii) to the state planning coordinator appointed under Section 63J-4-202, if the~~
46 ~~municipality does not provide notice on the Utah Public Notice Website under Subsection~~
47 ~~(1)(d)(i);]~~

48 (2) Each notice under Subsection (1) shall:

49 (a) indicate that the municipality intends to prepare a general plan or a comprehensive
50 general plan amendment, as the case may be;

51 (b) describe or provide a map of the geographic area that will be affected by the general
52 plan or amendment;

53 (c) be sent by mail, e-mail, or other effective means;

54 (d) invite the affected entities to provide information for the municipality to consider in
55 the process of preparing, adopting, and implementing a general plan or amendment concerning:

56 (i) impacts that the use of land proposed in the proposed general plan or amendment
57 may have; and

58 (ii) uses of land within the municipality that the affected entity is considering that may
59 conflict with the proposed general plan or amendment; and

60 (e) include the address of an Internet website, if the municipality has one, and the name
61 and telephone number of a person where more information can be obtained concerning the
62 municipality's proposed general plan or amendment.

63 Section 2. Section **52-4-202** is amended to read:

64 **52-4-202. Public notice of meetings -- Emergency meetings.**

65 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each
66 meeting.

67 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
68 that the specified body holds on the capitol hill complex.

69 (b) The public notice required under Subsection (1)(a) shall include the meeting:

70 (i) agenda;

71 (ii) date;

72 (iii) time; and

73 (iv) place.

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

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

79 (3) (a) A public body or specified body satisfies a requirement for public notice by:

80 (i) posting written notice:

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

83 (B) [~~beginning October 1, 2008 and except as provided in Subsection (3)(b),~~] on the
84 Utah Public Notice Website created under Section [63F-1-701](#); and

85 (ii) providing notice to:

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

88 (B) a local media correspondent.

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

94 [(c)] (b) A public body or specified body is in compliance with the provisions of
95 Subsection (3)(a)(ii) by providing notice to a newspaper or local media correspondent under
96 the provisions of Subsection 63F-1-701(4)(d).

97 (c) A public body whose limited resources make compliance with Subsection
98 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in
99 Section 63A-12-101, to provide technical assistance to help the public body in its effort to
100 comply.

101 (4) A public body and a specified body are encouraged to develop and use additional
102 electronic means to provide notice of their meetings under Subsection (3).

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

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

106 (ii) the public body or specified body gives the best notice practicable of:

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

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

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

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

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

112 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
113 provide reasonable specificity to notify the public as to the topics to be considered at the

114 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

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

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

- 121 (i) listed under an agenda item as required by Subsection (6)(a); and
- 122 (ii) included with the advance public notice required by this section.