

Representative Rich Cunningham proposes the following substitute bill:

**MUNICIPAL AND COUNTY OFFICIALS ATTENDANCE AT
SCHOOL DISTRICT BOARD MEETINGS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Rich Cunningham

LONG TITLE

General Description:

This bill modifies provisions relating to open and closed meetings of school district boards.

Highlighted Provisions:

This bill:

- modifies provisions relating to school district board meetings that a mayor or county executive or county manager, or designee, may attend.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53A-3-409, as last amended by Laws of Utah 2009, Chapter 207

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

Section 1. Section **53A-3-409** is amended to read:



26 **53A-3-409. Local governmental entities and school districts -- Contracts and**
27 **cooperation -- Disbursement of funds -- Municipal and county representative**
28 **participation in school district board meetings -- Notice required.**

29 (1) Local governmental entities and school districts may contract and cooperate with
30 one another in matters affecting the health, welfare, education, and convenience of the
31 inhabitants within their respective territorial limits.

32 (2) A local governmental entity may disburse public funds in aid of a school district
33 located wholly or partially within the limits of its jurisdiction.

34 ~~[(3)(a) A mayor or the mayor's designee of a municipality that is partly or entirely~~
35 ~~within the boundaries of a school district and the county commission chair, county executive,~~
36 ~~or county manager, or their designee, of a county with unincorporated area within the~~
37 ~~boundaries of a school district may attend and participate in the board discussions at the school~~
38 ~~district's board meetings.]~~

39 (3) (a) As used in this Subsection (3):

40 (i) "Interested county executive" means the county executive or county manager of a
41 county with unincorporated area within the boundary of a school district, or the designee of the
42 county executive or county manager.

43 (ii) "Interested mayor" means the mayor of a municipality that is partly or entirely
44 within the boundary of a school district, or the mayor's designee.

45 (b) A school district board shall allow an interested mayor and interested county
46 executive to attend and participate in the board discussions at a school district board meeting if:

47 (i) the school district board meeting is open to the public under Title 52, Chapter 4,
48 Open and Public Meetings Act;

49 (ii) (A) the school district board meeting is closed to the public under Title 52, Chapter
50 4, Open and Public Meetings Act;

51 (B) the closed meeting is held for the purpose of discussing the board's disposition or
52 acquisition of real property; and

53 (C) the interested mayor or interested county executive does not have a conflict of
54 interest with respect to the real property disposition or acquisition; or

55 (iii) (A) the school district board meeting is closed to the public under Title 52,
56 Chapter 4, Open and Public Meetings Act;

57 (B) the meeting is held for the purpose of discussing the character, professional
58 competence, or physical or mental health of the present or a proposed school district
59 superintendent, deputy superintendent, business administrator, or equivalent position; and

60 (C) the school district board invites the interested mayor or interested county executive
61 to attend the closed meeting.

62 [~~(b)~~] (c) Each local school board shall give notice of board meetings to[+] each
63 interested mayor and interested county executive.

64 [~~(i) the mayor or the mayor's designee of each municipality that is partly or entirely~~
65 ~~within the school district's boundaries; and]~~

66 [~~(ii) the county commission chair, county executive, or county manager, or their~~
67 ~~designee, of a county with unincorporated area within the school district's boundaries.]~~

68 [~~(e)~~] (d) The notice required under Subsection (3)[~~(b)~~](c) shall be provided by:

69 (i) mail;

70 (ii) e-mail; or

71 (iii) other effective means agreed to by the person to whom notice is given.