

PUBLIC MEETING MINUTES AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Robert M. Spendlove

LONG TITLE

General Description:

This bill modifies a provision of the Open and Public Meetings Act relating to minutes of open meetings.

Highlighted Provisions:

This bill:

- ▶ modifies a requirement relating to minutes of open meetings;
- ▶ provides that the requirement to include in minutes the substance of certain matters addressed at the meeting is met by publicly available online minutes that provide a link to the meeting recording; ~~§~~ → ~~[and]~~ ← ~~§~~
- ▶ eliminates the requirement for written minutes if a digital, online recording is maintained and meets certain requirements ~~§~~ → ~~[-]~~ ; ~~and~~
- ▶ modifies what constitutes the official record of an open meeting. ← ~~§~~

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

52-4-203, as last amended by Laws of Utah 2014, Chapter 83

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



28 Section 1. Section **52-4-203** is amended to read:

29 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
 30 **meetings.**

31 (1) Except as provided under Subsection (7), written minutes and a recording shall be
 32 kept of all open meetings.

33 (2) (a) Written minutes of an open meeting shall include:

34 ~~[(a)]~~ (i) the date, time, and place of the meeting;

35 ~~[(b)]~~ (ii) the names of members present and absent;

36 ~~[(c)]~~ (iii) the substance of all matters proposed, discussed, or decided by the public
 37 body which may include a summary of comments made by members of the public body;

38 ~~[(d)]~~ (iv) a record, by individual member, of each vote taken by the public body;

39 ~~[(e)]~~ (v) the name of each person who:

40 ~~[(i)]~~ (A) is not a member of the public body; and

41 ~~[(ii)]~~ (B) after being recognized by the presiding member of the public body, provided
 42 testimony or comments to the public body;

43 ~~[(f)]~~ (vi) the substance, in brief, of the testimony or comments provided by the public
 44 under Subsection (2)~~[(e)]~~(a)(v); and

45 ~~[(g)]~~ (vii) any other information that is a record of the proceedings of the meeting that
 46 any member requests be entered in the minutes or recording.

47 (b) ~~Ŝ~~→ ~~[The]~~ **A public body may satisfy the** ←~~Ŝ~~ requirement under Subsection (2)(a)(iii)
 47a or (vi) that minutes include the
 48 substance of matters proposed, discussed, or decided or the substance of testimony or
 49 comments ~~Ŝ~~→ **[is met if] by maintaining** ←~~Ŝ~~ a publicly available online version of the minutes
 49a ~~Ŝ~~→ **that** ←~~Ŝ~~ provides a link to the
 50 meeting recording at the place in the recording where the matter is proposed, discussed, or
 51 decided or the testimony or comments provided.

52 (3) A recording of an open meeting shall:

53 (a) be a complete and unedited record of all open portions of the meeting from the
 54 commencement of the meeting through adjournment of the meeting; and

55 (b) be properly labeled or identified with the date, time, and place of the meeting.

56 (4) (a) As used in this Subsection (4):

57 (i) "Approved minutes" means written minutes:

58 (A) of an open meeting; and

59 (B) that have been approved by the public body that held the open meeting.
60 (ii) "Electronic information" means information presented or provided in an electronic
61 format.

62 (iii) "Pending minutes" means written minutes:

63 (A) of an open meeting; and

64 (B) that have been prepared in draft form and are subject to change before being
65 approved by the public body that held the open meeting.

66 (iv) "Specified local public body" means a legislative body of a county, city, or town.

67 (v) "State public body" means a public body that is an administrative, advisory,
68 executive, or legislative body of the state.

69 (vi) "Website" means the Utah Public Notice Website created under Section
70 [63F-1-701](#).

71 (b) Pending minutes, approved minutes, and a recording of a public meeting are public
72 records under Title 63G, Chapter 2, Government Records Access and Management Act.

73 (c) Pending minutes shall contain a clear indication that the public body has not yet
74 approved the minutes or that the minutes are subject to change until the public body approves
75 them.

76 (d) A state public body and a specified local public body shall require an individual
77 who, at an open meeting of the public body, publicly presents or provides electronic
78 information, relating to an item on the public body's meeting agenda, to provide the public
79 body, at the time of the meeting, an electronic or hard copy of the electronic information for
80 inclusion in the public record.

81 (e) A state public body shall:

82 (i) make pending minutes available to the public within 30 days after holding the open
83 meeting that is the subject of the pending minutes;

84 (ii) within three business days after approving written minutes of an open meeting, post
85 to the website and make available to the public at the public body's primary office a copy of the
86 approved minutes and any public materials distributed at the meeting; and

87 (iii) within three business days after holding an open meeting, post on the website an
88 audio recording of the open meeting, or a link to the recording.

89 (f) (i) A specified local public body shall:

90 (A) make pending minutes available to the public within 30 days after holding the open
91 meeting that is the subject of the pending minutes;

92 (B) subject to Subsection (4)(f)(ii), within three business days after approving written
93 minutes of an open meeting, post to the website and make available to the public at the public
94 body's primary office a copy of the approved minutes and any public materials distributed at
95 the meeting; and

96 (C) within three business days after holding an open meeting, make an audio recording
97 of the open meeting available to the public for listening.

98 (ii) A specified local public body of a city of the fifth class or town is encouraged to
99 comply with Subsection (4)(f)(i)(B) but is not required to comply until January 1, 2015.

100 (g) A public body that is not a state public body or a specified local public body shall:

101 (i) make pending minutes available to the public within a reasonable time after holding
102 the open meeting that is the subject of the pending minutes;

103 (ii) within three business days after approving written minutes, make the approved
104 minutes available to the public; and

105 (iii) within three business days after holding an open meeting, make an audio recording
106 of the open meeting available to the public for listening.

107 (h) A public body shall establish and implement procedures for the public body's
108 approval of the written minutes of each meeting.

109 (i) ~~§~~ **→ [Approved minutes of an open meeting are the] The ←§** official record of ~~§~~ **→ [the]**
109a **an open ←§ meeting §** **→ consists of:**

109b **(A) except as provided in Subsection (4)(i)(B), approved minutes; or**

109c **(B) if written minutes are not kept because a public body maintains a digital recording**
109d **of an open meeting as provided in Subsection (7)(b), the digital recording of the open meeting**

109e **←§ .**

110 (5) All or any part of an open meeting may be independently recorded by any person in
111 attendance if the recording does not interfere with the conduct of the meeting.

112 (6) The written minutes or recording of an open meeting that are required to be
113 retained permanently shall be maintained in or converted to a format that meets long-term
114 records storage requirements.

115 (7) Notwithstanding Subsection (1)[;]:

116 (a) a recording is not required to be kept of:

117 ~~(a)~~ (i) an open meeting that is a site visit or a traveling tour, if no vote or action is
118 taken by the public body; or

119 ~~(b)~~ (ii) an open meeting of a local district under Title 17B, Limited Purpose Local
120 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,

121 Special Service District Act, if the district's annual budgeted expenditures for all funds,
122 excluding capital expenditures and debt service, are \$50,000 or less[-]; and

123 (b) written minutes of ~~Ŝ~~→ ~~[a-public]~~ **an open** ←~~Ŝ~~ meeting are not required to be kept if the
123a public body

124 maintains a digital recording of the meeting that:

125 (i) is available online to the general public; and

126 (ii) includes a digital index that:

127 (A) identifies each agenda item considered at the ~~Ŝ~~→ ~~[public]~~ **open** ←~~Ŝ~~ meeting and each
127a individual

128 who orally presented information at the ~~Ŝ~~→ ~~[public]~~ **open** ←~~Ŝ~~ meeting; and

129 (B) enables a member of the public to easily navigate to the location on the digital
130 recording relating to each agenda item and to each individual who orally presented information.

131 **Section 2. Effective date.**

132 If approved by two-thirds of all the members elected to each house, this bill takes effect
133 upon approval by the governor, or the day following the constitutional time limit of Utah
134 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
135 the date of veto override.

Legislative Review Note
Office of Legislative Research and General Counsel