

Senator Kevin T. Van Tassell proposes the following substitute bill:

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]

▶ modifies a provision relating to the availability of approved minutes and public meeting materials; 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



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

61 (iii) "Pending minutes" means written minutes:
 62 (A) of an open meeting; and
 63 (B) that have been prepared in draft form and are subject to change before being
 64 approved by the public body that held the open meeting.

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

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

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

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

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

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

80 (e) A state public body shall:

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

83 (ii) within three business days after approving written minutes of an open meeting ~~§→~~ [;

83a **post**

84 ~~to the website and make available to the public at the public body's primary office or, if the~~
 85 ~~public body provides online minutes under Subsection (2)(b), on the public body's website a~~
 86 ~~copy of the approved minutes and any public materials distributed at the meeting] :~~

86a (A) post to the website a copy of the approved minutes and any public materials
 86b distributed at the meeting;

86c (B) make the approved minutes and public materials available to the public at the
 86d public body's primary office; and⊕

86e **⊕(C) if the public body provides online minutes under Subsection (2)(b), post approved**
86f **minutes that comply with Subsection (2)(b) and the public materials on the public body's**
86g **website ←\$** ; 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 or, if the public body provides online minutes under Subsection (2)(b), on~~
95 ~~the public body's website] post and make available ←§~~ a copy of the approved minutes and any

95a public materials distributed

96 at the meeting ~~§→~~ , as provided in Subsection (4)(e)(ii) ~~←§~~ ; and

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

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

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

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

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

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

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

110 (i) Approved minutes of an open meeting are the official record of the meeting.

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

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

116 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:

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