

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 ~~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



1st Sub. S.B. 97

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

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

28 **52-4-203. Written minutes of open meetings -- Public records -- Recording of**
29 **meetings.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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 ~~to~~ **post**

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 ←Ŝ ; 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, ~~Ŝ→ [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~~ ←Ŝ a copy of the approved minutes and any

95a public materials distributed

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

119 (b) 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.

123 Section 2. **Effective date.**

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