

1 **OPEN MEETING MINUTES AMENDMENTS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael J. Petersen**

5 Senate Sponsor: John D. Johnson

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions related to the posting of minutes of open meetings.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ requires a state body that is not a public body or a specified local public body to:
 - 13 • post to the state public notice website a copy of the approved minutes and any
 - 14 public materials distributed at the meeting or a link to a website on which the
 - 15 approved minutes and any public materials distributed at the meeting are posted;
 - 16 • make the approved minutes and public materials available to the public at the
 - 17 public body's primary office; and
 - 18 • if the public body provides online minutes, post approved minutes and the
 - 19 public materials on the public body's website.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **52-4-203**, as last amended by Laws of Utah 2018, Chapter 425

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

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

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

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

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

35 (i) the date, time, and place of the meeting;

36 (ii) the names of members present and absent;

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

39 (iv) a record, by individual member, of each vote taken by the public body;

40 (v) the name of each person who:

41 (A) is not a member of the public body; and

42 (B) after being recognized by the presiding member of the public body, provided
43 testimony or comments to the public body;

44 (vi) the substance, in brief, of the testimony or comments provided by the public under
45 Subsection (2)(a)(v); and

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

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

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

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

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

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

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

59 (A) of an open meeting; and

60 (B) that have been approved by the public body that held the open meeting.

61 (ii) "Electronic information" means information presented or provided in an electronic
62 format.

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

64 (A) of an open meeting; and

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

67 (iv) "Specified local public body" means a legislative body of a county, city, town, or
68 metro township.

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

71 (vi) "State website" means the Utah Public Notice Website created under Section
72 [63F-1-701](#).

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

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

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

- 83 (e) A state public body shall:
- 84 (i) make pending minutes available to the public within 30 days after holding the open
- 85 meeting that is the subject of the pending minutes;
- 86 (ii) within three business days after approving written minutes of an open meeting:
- 87 (A) post to the state website a copy of the approved minutes and any public materials
- 88 distributed at the meeting;
- 89 (B) make the approved minutes and public materials available to the public at the
- 90 public body's primary office; and
- 91 (C) if the public body provides online minutes under Subsection (2)(b), post approved
- 92 minutes that comply with Subsection (2)(b) and the public materials on the public body's
- 93 website; and
- 94 (iii) within three business days after holding an open meeting, post on the state website
- 95 an audio recording of the open meeting, or a link to the recording.
- 96 (f) A specified local public body shall:
- 97 (i) make pending minutes available to the public within 30 days after holding the open
- 98 meeting that is the subject of the pending minutes;
- 99 (ii) within three business days after approving written minutes of an open meeting, post
- 100 and make available a copy of the approved minutes and any public materials distributed at the
- 101 meeting, as provided in Subsection (4)(e)(ii); and
- 102 (iii) within three business days after holding an open meeting, make an audio recording
- 103 of the open meeting available to the public for listening.
- 104 (g) A public body that is not a state public body or a specified local public body shall:
- 105 (i) make pending minutes available to the public within a reasonable time after holding
- 106 the open meeting that is the subject of the pending minutes;
- 107 (ii) within three business days after approving written minutes~~[, make the approved~~
- 108 ~~minutes available to the public]~~ of an open meeting:
- 109 (A) post and make available a copy of the approved minutes and any public materials

110 distributed at the meeting, as provided in Subsection (4)(e)(ii); or
111 (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to
112 a website on which the approved minutes and any public materials distributed at the meeting
113 are posted; and
114 (iii) within three business days after holding an open meeting, make an audio recording
115 of the open meeting available to the public for listening.
116 (h) A public body shall establish and implement procedures for the public body's
117 approval of the written minutes of each meeting.
118 (i) Approved minutes of an open meeting are the official record of the meeting.
119 (5) All or any part of an open meeting may be independently recorded by any person in
120 attendance if the recording does not interfere with the conduct of the meeting.
121 (6) The written minutes or recording of an open meeting that are required to be
122 retained permanently shall be maintained in or converted to a format that meets long-term
123 records storage requirements.
124 (7) Notwithstanding Subsection (1), a recording is not required to be kept of:
125 (a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken
126 by the public body; or
127 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
128 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
129 Special Service District Act, if the district's annual budgeted expenditures for all funds,
130 excluding capital expenditures and debt service, are \$50,000 or less.