

OPEN MEETING MINUTES AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Michael J. Petersen

Senate Sponsor: John D. Johnson

LONG TITLE

General Description:

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

Highlighted Provisions:

This bill:

- ▶ requires a state body that is not a public body or a specified local public body to:
 - post to the state public notice website a copy of the approved minutes and any

public materials distributed at the meeting;

• make the approved minutes and public materials available to the public at the public body's primary office; and

• if the public body provides online minutes, post approved minutes and the public materials on the public body's website.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

36 (iii) the substance of all matters proposed, discussed, or decided by the public body

37 which may include a summary of comments made by members of the public body;

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

39 (v) the name of each person who:

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

41 (B) after being recognized by the presiding member of the public body, provided

42 testimony or comments to the public body;

43 (vi) the substance, in brief, of the testimony or comments provided by the public under

44 Subsection (2)(a)(v); and

45 (vii) any other information that is a record of the proceedings of the meeting that any

46 member requests be entered in the minutes or recording.

47 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that

48 minutes include the substance of matters proposed, discussed, or decided or the substance of

49 testimony or comments by maintaining a publicly available online version of the minutes that

50 provides a link to the meeting recording at the place in the recording where the matter is

51 proposed, discussed, or 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, town, or
67 metro township.

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

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

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

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

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

82 (e) A state public body shall:

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

85 (ii) within three business days after approving written minutes of an open meeting:

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

88 (B) make the approved minutes and public materials available to the public at the public
89 body's primary office; and

90 (C) if the public body provides online minutes under Subsection (2)(b), post approved
91 minutes that comply with Subsection (2)(b) and the public materials on the public body's
92 website; and

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

95 (f) A specified local public body shall:

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

98 (ii) within three business days after approving written minutes of an open meeting, post
99 and make available a copy of the approved minutes and any public materials distributed at the
100 meeting, as provided in Subsection (4)(e)(ii); and

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

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

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

106 (ii) within three business days after approving written minutes~~[, make the approved~~
107 ~~minutes available to the public]~~ of an open meeting, post and make available a copy of the
108 approved minutes and any public materials distributed at the meeting, as provided in Subsection
109 (4)(e)(ii); and

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

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

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

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

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

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

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

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

125 Special Service District Act, if the district's annual budgeted expenditures for all funds,
126 excluding capital expenditures and debt service, are \$50,000 or less.