

**OPEN AND PUBLIC MEETINGS ACT AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: David G. Buxton**

House Sponsor: Timothy D. Hawkes

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**LONG TITLE**

**General Description:**

This bill modifies the Open and Public Meetings Act.

**Highlighted Provisions:**

This bill:

▶ modifies a provision relating to a chair's determination to convene an electronic meeting without an anchor location;

▶ allows the convening of an electronic meeting without an anchor location if the building where the meeting would normally be held is ordered closed to the public to protect public health or safety; and

▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**52-4-207**, as last amended by Laws of Utah 2020, Fifth Special Session, Chapter 1

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

Section 1. Section **52-4-207** is amended to read:



28 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

29 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public  
30 body may convene and conduct an electronic meeting in accordance with this section.

31 (2) (a) A public body may not hold an electronic meeting unless the public body has  
32 adopted a resolution, rule, or ordinance governing the use of electronic meetings.

33 (b) The resolution, rule, or ordinance may:

34 (i) prohibit or limit electronic meetings based on budget, public policy, or logistical  
35 considerations;

36 (ii) require a quorum of the public body to:

37 (A) be present at a single anchor location for the meeting; and

38 (B) vote to approve establishment of an electronic meeting in order to include other  
39 members of the public body through an electronic connection;

40 (iii) require a request for an electronic meeting to be made by a member of a public  
41 body up to three days prior to the meeting to allow for arrangements to be made for the  
42 electronic meeting;

43 (iv) restrict the number of separate connections for members of the public body that are  
44 allowed for an electronic meeting based on available equipment capability; or

45 (v) establish other procedures, limitations, or conditions governing electronic meetings  
46 not in conflict with this section.

47 (3) A public body that convenes or conducts an electronic meeting shall:

48 (a) give public notice of the meeting:

49 (i) in accordance with Section 52-4-202; and

50 (ii) except for an electronic meeting held without an anchor location under Subsection  
51 (4), post written notice at the anchor location;

52 (b) in addition to giving public notice required by Subsection (3)(a), provide:

53 (i) notice of the electronic meeting to the members of the public body at least 24 hours  
54 before the meeting so that they may participate in and be counted as present for all purposes,  
55 including the determination that a quorum is present; and

56 (ii) a description of how the members will be connected to the electronic meeting;

57 (c) except for an electronic meeting held without an anchor location under Subsection  
58 (4), establish one or more anchor locations for the public meeting, at least one of which is in

59 the building and political subdivision where the public body would normally meet if they were  
60 not holding an electronic meeting;

61 (d) (i) provide space and facilities at the anchor location so that interested persons and  
62 the public may attend and monitor the open portions of the meeting; or

63 (ii) for an electronic meeting held without an anchor location under Subsection (4),  
64 provide means by which the public may hear, or view and hear, the open portions of the  
65 meeting; and

66 (e) if comments from the public will be accepted during the electronic meeting:

67 (i) provide space and facilities at the anchor location so that interested persons and the  
68 public may attend, monitor, and participate in the open portions of the meeting; or

69 (ii) for an electronic meeting held without an anchor location under Subsection (4),  
70 provide means by which members of the public may provide comments by electronic means to  
71 the public body.

72 (4) A public body may convene and conduct an electronic meeting without an anchor  
73 location if:

74 (a) the chair of the public body:

75 ~~(a)~~ (i) makes a written determination that conducting the meeting with an anchor  
76 location presents a substantial risk to the health ~~and~~ or safety of those who may be present at  
77 the anchor location;

78 ~~(b)~~ (ii) states in the written determination described in Subsection (4)(a)(i) the facts  
79 upon which the determination is based;

80 ~~(c)~~ (iii) includes in the public notice for the meeting, and reads at the beginning of the  
81 meeting, the information described in Subsections (4)(a)(i) and ~~(b)~~ (ii); and

82 ~~(d)~~ (iv) includes in the public notice information on how a member of the public may  
83 view or make a comment at the meeting~~[-];~~ or

84 (b) the building where the public body would normally meet has been ordered closed to  
85 the public in order to protect public health or safety.

86 (5) A written determination described in ~~[Subsections (4)(a) and (b)]~~ Subsection  
87 (4)(a)(i) expires 30 days after the day on which the chair of the public body makes the  
88 determination.

89 (6) Compliance with the provisions of this section by a public body constitutes full and

90 complete compliance by the public body with the corresponding provisions of Sections  
91 [52-4-201](#) and [52-4-202](#).