

ELECTED PUBLIC BODY TRANSPARENCY AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Cheryl K. Acton

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill modifies the minutes provisions of the Open and Public Meetings Act.

Highlighted Provisions:

This bill:

► modifies the requirement for recording votes in the meeting minutes for a public body that has members who were elected to the public body.

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 2021, Chapters 84, 176, and 345

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

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

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

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



- 28 (2) (a) Written minutes of an open meeting shall include:
29 (i) the date, time, and place of the meeting;
30 (ii) the names of members present and absent;
31 (iii) the substance of all matters proposed, discussed, or decided by the public body
32 which may include a summary of comments made by members of the public body;
33 (iv) a record, by individual member, of each vote taken by the public body;
34 (v) the name of each person who:
35 (A) is not a member of the public body; and
36 (B) after being recognized by the presiding member of the public body, provided
37 testimony or comments to the public body;
38 (vi) the substance, in brief, of the testimony or comments provided by the public under
39 Subsection (2)(a)(v); and
40 (vii) any other information that is a record of the proceedings of the meeting that any
41 member requests be entered in the minutes or recording.
42 (b) A public body may satisfy the requirement under Subsection (2)(a)(iii) or (vi) that
43 minutes include the substance of matters proposed, discussed, or decided or the substance of
44 testimony or comments by maintaining a publicly available online version of the minutes that
45 provides a link to the meeting recording at the place in the recording where the matter is
46 proposed, discussed, or decided or the testimony or comments provided.
47 (c) A public body that has members who were elected to the public body shall satisfy
48 the requirement described in Subsection (2)(a)(iv) by recording each vote:
49 (i) in list format;
50 (ii) by category for each action taken by a member, including yes votes, no votes, and
51 absent members; and
52 (iii) by each member's name.
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 [63A-16-601](#).
- 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 public body shall require an individual who, at an open meeting of the public
- 79 body, publicly presents or provides electronic information, relating to an item on the public
- 80 body's meeting agenda, to provide the public body, at the time of the meeting, an electronic or
- 81 hard copy of the electronic information for inclusion 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
- 89 public 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 of an open meeting:

107 (A) post and make available a copy of the approved minutes and any public materials
108 distributed at the meeting, as provided in Subsection (4)(e)(ii); or

109 (B) comply with Subsections (4)(e)(ii)(B) and (C) and post to the state website a link to
110 a website on which the approved minutes and any public materials distributed at the meeting
111 are posted; and

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

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

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

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

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

121 records storage requirements.

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

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

125 (b) an open meeting of a local district under Title 17B, Limited Purpose Local
126 Government Entities - Local Districts, or special service district under Title 17D, Chapter 1,
127 Special Service District Act, if the district's annual budgeted expenditures for all funds,
128 excluding capital expenditures and debt service, are \$50,000 or less.