

Representative Joel K. Briscoe proposes the following substitute bill:

OPEN AND PUBLIC MEETINGS ACT AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Joel K. Briscoe

Senate Sponsor: Jacob L. Anderegg

LONG TITLE

General Description:

This bill modifies the Open and Public Meetings Act relating to public comment requirements and electronic meetings.

Highlighted Provisions:

This bill:

- ▶ requires a public body holding an open meeting to allow a reasonable opportunity for the public to provide verbal comment at the meeting, with certain exceptions;
- ▶ requires a public body to adopt a resolution, rule, or ordinance allowing public comment in a public meeting;
- ▶ permits a public body of a local district or special service district to convene and conduct an electronic meeting in certain circumstances; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 [11-59-204](#), as last amended by Laws of Utah 2021, Chapter 415
 27 [17B-1-302](#), as last amended by Laws of Utah 2022, Chapter 381
 28 [17D-1-102](#), as last amended by Laws of Utah 2014, Chapter 377
 29 [17D-1-304](#), as last amended by Laws of Utah 2014, Chapter 377
 30 [52-4-201](#), as last amended by Laws of Utah 2006, Chapter 263 and renumbered and
 31 amended by Laws of Utah 2006, Chapter 14
 32 [52-4-202](#), as last amended by Laws of Utah 2021, Chapters 84, 345
 33 [52-4-207](#), as last amended by Laws of Utah 2022, Chapters 24, 402
 34 [63H-1-202](#), as last amended by Laws of Utah 2022, Chapters 274, 463

35 ENACTS:

36 [17D-1-307](#), Utah Code Annotated 1953



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

39 Section 1. Section [11-59-204](#) is amended to read:

40 **[11-59-204. Applicability of other law -- Coordination with municipality.](#)**

41 (1) The authority and the point of the mountain state land are not subject to:

42 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or

43 (b) the jurisdiction of a local district under Title 17B, Limited Purpose Local

44 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,

45 Special Service District Act, except to the extent that:

46 (i) some or all of the point of the mountain state land is, on May 8, 2018, included

47 within the boundary of a local district or special service district; and

48 (ii) the authority elects to receive service from the local district or special service

49 district for the point of the mountain state land that is included within the boundary of the local

50 district or special service district, respectively.

51 (2) In formulating and implementing a development plan for the point of the mountain

52 state land, the authority shall consult with officials of the municipality within which the point

53 of the mountain state land is located on planning and zoning matters.

54 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),

55 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed

56 by Title 63E, Independent Entities Code.

57 (4) Nothing in this chapter may be construed to remove the point of the mountain state
58 land from the service area of the municipality in which the point of the mountain state land is
59 located, for purposes of water, sewer, and other similar municipal services currently being
60 provided.

61 (5) The authority is subject to Title 52, Chapter 4, Open and Public Meetings Act,
62 except that for an electronic meeting of the authority board that otherwise complies with
63 Section [52-4-207](#), the authority board:

64 (a) is not required to establish an anchor location; and

65 (b) may convene and conduct the meeting without the ~~[written]~~ determination
66 otherwise required under ~~[Subsection [52-4-207\(4\)](#)]~~ Subsection [52-4-207\(5\)\(a\)\(i\)](#).

67 Section 2. Section **17B-1-302** is amended to read:

68 **17B-1-302. Board member qualifications -- Number of board members.**

69 (1) Except as provided in Section [17B-2a-905](#), each member of a local district board of
70 trustees shall be:

71 (a) a registered voter at the location of the member's residence; and

72 (b) except as otherwise provided in Subsection (2) or (3), a resident within:

73 (i) the boundaries of the local district; and

74 (ii) if applicable, the boundaries of the division of the local district from which the
75 member is elected or appointed.

76 (2) (a) As used in this Subsection (2):

77 (i) "Proportional number" means the number of members of a board of trustees that
78 bears, as close as mathematically possible, the same proportion to all members of the board that
79 the number of seasonally occupied homes bears to all residences within the district that receive
80 service from the district.

81 (ii) "Seasonally occupied home" means a single-family residence:

82 (A) that is located within the local district;

83 (B) that receives service from the local district; and

84 (C) ~~[whose owner does not reside permanently at the residence but may occupy the~~
85 residence on a temporary or seasonal basis] whose owner occupies the residence on a
86 temporary or seasonal basis, rather than as the principal place of residence as defined in Section
87 [20A-2-105](#).

88 (b) If over 50% of the residences within a local district that receive service from the
89 local district are seasonally occupied homes, the requirement under Subsection (1)(b) is
90 replaced, for a proportional number of members of the board of trustees, with the requirement
91 that the member be an owner of land, or an agent or officer of the owner of land~~;~~that:

92 (i) that receives, or intends to receive, service from the district; and

93 (ii) that is located within the local district and, if applicable, the division from which
94 the member is elected.

95 (3) (a) For a board of trustees member in a basic local district, or in any other type of
96 local district that is located solely within a county of the fourth, fifth, or sixth class, that has
97 within the district's boundaries fewer than one residential dwelling unit per 10 acres of land, the
98 requirement under Subsection (1)(b) may be replaced by the requirement that the member be:

99 (i) a resident within the boundaries of the local district~~;~~or that the member~~;~~or

100 (ii) [be] an owner of land, or an agent or officer of the owner of land, within the local
101 district that receives, or intends to receive, service from the district ~~[or an agent or officer of the~~
102 ~~owner]~~.

103 (b) A member of the board of trustees of a service area described in Subsection
104 [17B-2a-905](#)(2)(a) or (3)(a), who is an elected official of the county appointing the individual, is
105 not subject to the requirements described in Subsection (1)(b) if the elected official was elected
106 at large by the voters of the county.

107 (c) Notwithstanding Subsection (1)(b) and except as provided in Subsection (3)(d), the
108 county legislative body may appoint to the local district board one of the county legislative
109 body's own members, regardless of whether the member resides within the boundaries
110 described in Subsection (1)(b), if:

111 (i) the county legislative body satisfies the procedures to fill a vacancy described in:

112 (A) for the appointment of a new board member, Subsections [17B-1-304](#)(2) and (3); or

113 (B) for an appointment to fill a midterm vacancy, Subsection [20A-1-512](#)(1)(a)(ii) or
114 Subsection [20A-1-512](#)(2);

115 (ii) fewer qualified candidates timely file to be considered for appointment to the local
116 district board than are necessary to fill the board;

117 (iii) the county legislative body appoints each of the qualified candidates who timely
118 filed to be considered for appointment to the board; and

119 (iv) the county legislative body appoints a member of the body to the local district
120 board, in accordance with Subsection 17B-1-304(6) or Subsection 20A-1-512(1)(c), who was:

121 (A) elected at large by the voters of the county;

122 (B) elected from a division of the county that includes more than 50% of the
123 geographic area of the local district; or

124 (C) if the local district is divided into divisions under Section 17B-1-306.5, elected
125 from a division of the county that includes more than 50% of the geographic area of the
126 division of the local district in which there is a board vacancy.

127 (d) If it is necessary to reconstitute the board of trustees of a local district located solely
128 within a county of the fourth, fifth, or sixth class because the term of a majority of the members
129 of the board has expired without new trustees having been elected or appointed as required by
130 law, even if sufficient qualified candidates timely file to be considered for a vacancy on the
131 board, the county legislative body may appoint to the local district board no more than one of
132 the county legislative body's own members who does not satisfy the requirements of
133 Subsection (1).

134 (4) (a) Except as otherwise provided by statute, the number of members of each board
135 of trustees of a local district that has nine or fewer members shall have an odd number of
136 members that is no fewer than three.

137 (b) If a board of trustees of a local district has more than nine members, the number of
138 members may be odd or even.

139 (5) For a newly created local district, the number of members of the initial board of
140 trustees shall be the number specified:

141 (a) for a local district whose creation was initiated by a petition under Subsection
142 17B-1-203(1)(a), (b), or (c), in the petition; or

143 (b) for a local district whose creation was initiated by a resolution under Subsection
144 17B-1-203(1)(d) or (e), in the resolution.

145 (6) (a) For an existing local district, the number of members of the board of trustees
146 may be changed by a two-thirds vote of the board of trustees.

147 (b) No change in the number of members of a board of trustees under Subsection (6)(a)
148 may:

149 (i) violate Subsection (4); or

150 (ii) serve to shorten the term of any member of the board.

151 Section 3. Section **17D-1-102** is amended to read:

152 **17D-1-102. Definitions.**

153 As used in this chapter:

154 (1) "Adequate protests" means written protests timely filed by:

155 (a) the owners of private real property that:

156 (i) is located within the applicable area;

157 (ii) covers at least 25% of the total private land area within the applicable area; and

158 (iii) is equal in value to at least 15% of the value of all private real property within the
159 applicable area; or

160 (b) registered voters residing within the applicable area equal in number to at least 25%
161 of the number of votes cast in the applicable area for the office of president of the United States
162 at the most recent election prior to the adoption of the resolution or filing of the petition.

163 (2) "Applicable area" means:

164 (a) for a proposal to create a special service district, the area included within the
165 proposed special service district;

166 (b) for a proposal to annex an area to an existing special service district, the area
167 proposed to be annexed;

168 (c) for a proposal to add a service to the service or services provided by a special
169 service district, the area included within the special service district; and

170 (d) for a proposal to consolidate special service districts, the area included within each
171 special service district proposed to be consolidated.

172 (3) "Facility" or "facilities" includes any structure, building, system, land, water right,
173 water, or other real or personal property required to provide a service that a special service
174 district is authorized to provide, including any related or appurtenant easement or right-of-way,
175 improvement, utility, landscaping, sidewalk, road, curb, gutter, equipment, or furnishing.

176 (4) "General obligation bond":

177 (a) means a bond that is directly payable from and secured by ad valorem property
178 taxes that are:

179 (i) levied:

180 (A) by the county or municipality that created the special service district that issues the

181 bond; and

182 (B) on taxable property within the special service district; and

183 (ii) in excess of the ad valorem property taxes for the current fiscal year; and

184 (b) does not include:

185 (i) a short-term bond;

186 (ii) a tax and revenue anticipation bond; or

187 (iii) a special assessment bond.

188 (5) "Governing body" means:

189 (a) the legislative body of the county or municipality that creates the special service

190 district, to the extent that the county or municipal legislative body has not delegated authority

191 to an administrative control board created under Section 17D-1-301; or

192 (b) the administrative control board of the special service district, to the extent that the

193 county or municipal legislative body has delegated authority to an administrative control board

194 created under Section 17D-1-301.

195 (6) "Guaranteed bonds" means bonds:

196 (a) issued by a special service district; and

197 (b) the debt service of which is guaranteed by one or more taxpayers owning property

198 within the special service district.

199 (7) "Local district" has the same meaning as defined in Section 17B-1-102.

200 (8) "Revenue bond":

201 (a) means a bond payable from designated taxes or other revenues other than the ad

202 valorem property taxes of the county or municipality that created the special service district;

203 and

204 (b) does not include:

205 (i) an obligation constituting an indebtedness within the meaning of an applicable

206 constitutional or statutory debt limit;

207 (ii) a tax and revenue anticipation bond; or

208 (iii) a special assessment bond.

209 (9) "Seasonally occupied home" means a single-family residence:

210 (a) that is located within the special service district;

211 (b) that receives service from the special service district; and

212 (c) whose owner occupies the residence on a temporary or seasonal basis, rather than as
213 the principal place of residence as defined in Section 20A-2-105.

214 ~~[(9)]~~ (10) "Special assessment" means an assessment levied against property to pay all
215 or a portion of the costs of making improvements that benefit the property.

216 ~~[(10)]~~ (11) "Special assessment bond" means a bond payable from special assessments.

217 ~~[(11)]~~ (12) "Special service district" means a limited purpose local government entity,
218 as described in Section 17D-1-103, that:

219 (a) is created under authority of the Utah Constitution Article XI, Section 7; and

220 (b) operates under, is subject to, and has the powers set forth in this chapter.

221 ~~[(12)]~~ (13) "Tax and revenue anticipation bond" means a bond:

222 (a) issued in anticipation of the collection of taxes or other revenues or a combination
223 of taxes and other revenues; and

224 (b) that matures within the same fiscal year as the fiscal year in which the bond is
225 issued.

226 Section 4. Section 17D-1-304 is amended to read:

227 **17D-1-304. Qualifications of administrative control board members -- Term of**
228 **office.**

229 (1) (a) Except as provided in Subsection (1)(b), each member of an administrative
230 control board shall be:

231 (i) a registered voter within the special service district;

232 (ii) an officer or employee of the county or municipality that created the special service
233 district; or

234 (iii) ~~[if over 50% of the residences within a special service district are seasonally~~
235 ~~occupied homes, as defined in Section 17B-1-302, an owner of land, or an agent or officer of~~
236 ~~an owner of land, that receives services from the special service district and is located within~~
237 ~~the special service district, provided that the number of members appointed under this~~
238 ~~Subsection (1)(a)(iii) comprises less than a quorum of the board.] an owner of land, or an agent~~

239 or officer of the owner of land, located within the special service district that receives, or
240 intends to receive, service from the special service district, if:

241 (A) at least 60% of the residences within the special service district are seasonally
242 occupied homes; or

243 (B) more than 50%, but less than 60%, of the residences within the special service
244 district are seasonally occupied homes, if the number of members appointed under this
245 Subsection (1)(a)(iii)(B) comprises less than a quorum of the board.

246 (b) Subsection (1)(a) does not apply if:

247 (i) at least 90% of the owners of real property within the special service district are not
248 registered voters within the special service district; or

249 (ii) the member is appointed under Subsection 17D-1-303(3) or (4).

250 (2) (a) Except as provided in Subsection (2)(b), the term of each member of an
251 administrative control board is four years.

252 (b) The term of as close as possible to half of the initial members of an administrative
253 control board, chosen by lot, is two years.

254 Section 5. Section 17D-1-307 is enacted to read:

255 **17D-1-307. Meetings of administrative control board.**

256 (1) (a) Each meeting of the administrative control board shall comply with Title 52,
257 Chapter 4, Open and Public Meetings Act.

258 (b) Subject to Subsection (2), an administrative control board shall:

259 (i) adopt rules of order and procedure to govern a public meeting of the administrative
260 control board;

261 (ii) conduct a public meeting in accordance with the rules of order and procedure
262 described in Subsection (1)(b)(i); and

263 (iii) make the rules of order and procedure described in Subsection (1)(b)(i) available
264 to the public:

265 (A) at each meeting of the administrative control board; and

266 (B) if the special service district has a public website, on the website.

267 (2) Subsection (1)(b) does not affect the administrative control board's duty to comply
268 with Title 52, Chapter 4, Open and Public Meetings Act.

269 Section 6. Section 52-4-201 is amended to read:

270 **52-4-201. Meetings open to the public -- Exceptions.**

271 (1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205,
272 and 52-4-206.

273 (2) (a) A meeting that is open to the public includes a workshop or an executive

274 session of a public body in which a quorum is present, unless closed in accordance with this
275 chapter.

276 (b) A workshop or an executive session of a public body in which a quorum is present
277 that is held on the same day as a regularly scheduled public meeting of the public body may
278 only be held at the location where the public body is holding the regularly scheduled public
279 meeting unless:

280 (i) the workshop or executive session is held at the location where the public body
281 holds its regularly scheduled public meetings but, for that day, the regularly scheduled public
282 meeting is being held at different location;

283 (ii) any of the meetings held on the same day is a site visit or a traveling tour and, in
284 accordance with this chapter, public notice is given;

285 (iii) the workshop or executive session is an electronic meeting conducted according to
286 the requirements of Section 52-4-207; or

287 (iv) it is not practicable to conduct the workshop or executive session at the regular
288 location of the public body's open meetings due to an emergency or extraordinary
289 circumstances.

290 (3) (a) (i) A public body holding a meeting that is open to the public shall allow a
291 reasonable opportunity for the public to provide verbal comment that is germane to the ~~H→ [topics~~
292 ~~to be considered during the meeting]~~ authority of the public body ←H .

293 (ii) Subsection (3)(a)(i) does not apply to:

294 (A) a meeting that is a work session of the public body;

295 (B) a planning commission meeting under Title 10, Chapter 9a, Part 3, General Land
296 Use Provisions, or Title 17, Chapter 27a, Part 3, General Land Use Provisions; or

297 (C) a public body that is solely an advisory body.

298 (b) No later than July 1, 2023, a public body shall adopt a resolution, rule, or ordinance
299 that provides a reasonable opportunity for the public to provide verbal and written comments in
300 a meeting of the public body:

301 (i) that is open to the public; and

302 (ii) to which Subsection (3)(a) applies.

303 (c) The resolution, rule, or ordinance described in Subsection (3)(b) may limit public
304 verbal and written comments to topics that are germane to the ~~H→ [topics to be considered~~
304a ~~during]~~ ←H

305 ~~H~~→ [the meeting] authority of the public body ←~~H~~ .

306 (4) Subsection (3) does not apply to the Legislature, a legislative committee, or another
 307 body within the state legislative branch.

308 Section 7. Section **52-4-202** is amended to read:

309 **52-4-202. Public notice of meetings -- Emergency meetings.**

310 (1) (a) (i) A public body shall give not less than 24 hours' public notice of each
 311 meeting.

312 (ii) A specified body shall give not less than 24 hours' public notice of each meeting
 313 that the specified body holds on the capitol hill complex.

314 (b) The public notice required under Subsection (1)(a) shall include the meeting:

315 (i) agenda;

316 (ii) date;

317 (iii) time; and

318 (iv) place.

319 (2) (a) In addition to the requirements under Subsection (1), a public body which holds
 320 regular meetings that are scheduled in advance over the course of a year shall give public
 321 notice at least once each year of its annual meeting schedule as provided in this section.

322 (b) The public notice under Subsection (2)(a) shall specify the date, time, and place of
 323 the scheduled meetings.

324 (3) (a) A public body or specified body satisfies a requirement for public notice by:

325 (i) posting written notice:

326 (A) except for an electronic meeting held without an anchor location under [~~Subsection~~
 327 ~~52-4-207(4)~~] Subsection 52-4-207(5), at the principal office of the public body or specified
 328 body, or if no principal office exists, at the building where the meeting is to be held; and

329 (B) on the Utah Public Notice Website created under Section 63A-16-601; and

330 (ii) providing notice to:

331 (A) at least one newspaper of general circulation within the geographic jurisdiction of
 332 the public body; or

333 (B) a local media correspondent.

334 (b) A public body or specified body is in compliance with the provisions of Subsection
 335 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions

336 of Subsection 63A-16-601(4)(d).

337 (c) A public body whose limited resources make compliance with Subsection
338 (3)(a)(i)(B) difficult may request the Division of Archives and Records Service, created in
339 Section 63A-12-101, to provide technical assistance to help the public body in its effort to
340 comply.

341 (4) A public body and a specified body are encouraged to develop and use additional
342 electronic means to provide notice of their meetings under Subsection (3).

343 (5) (a) The notice requirement of Subsection (1) may be disregarded if:

344 (i) because of unforeseen circumstances it is necessary for a public body or specified
345 body to hold an emergency meeting to consider matters of an emergency or urgent nature; and

346 (ii) the public body or specified body gives the best notice practicable of:

347 (A) the time and place of the emergency meeting; and

348 (B) the topics to be considered at the emergency meeting.

349 (b) An emergency meeting of a public body may not be held unless:

350 (i) an attempt has been made to notify all the members of the public body; and

351 (ii) a majority of the members of the public body approve the meeting.

352 (6) (a) A public notice that is required to include an agenda under Subsection (1) shall
353 provide reasonable specificity to notify the public as to the topics to be considered at the
354 meeting. Each topic shall be listed under an agenda item on the meeting agenda.

355 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding
356 member of the public body, a topic raised by the public may be discussed during an open
357 meeting, even if the topic raised by the public was not included in the agenda or advance public
358 notice for the meeting.

359 (c) Except as provided in Subsection (5), relating to emergency meetings, a public
360 body may not take final action on a topic in an open meeting unless the topic is:

361 (i) listed under an agenda item as required by Subsection (6)(a); and

362 (ii) included with the advance public notice required by this section.

363 (7) Except as provided in this section, this chapter does not apply to a specified body.

364 Section 8. Section 52-4-207 is amended to read:

365 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

366 (1) Except as otherwise provided for a charter school in Section 52-4-209, a public

367 body may convene and conduct an electronic meeting in accordance with this section.

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

370 (b) A resolution, rule, or ordinance described in Subsection (2)(a) that governs an
371 electronic meeting [~~held after December 31, 2022,~~] shall establish the conditions under which a
372 remote member is included in calculating a quorum.

373 (c) A resolution, rule, or ordinance described in Subsection (2)(a) may:

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

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

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

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

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

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

385 (v) if the public body is statutorily authorized to allow a member of the public body to
386 act by proxy, establish the conditions under which a member may vote or take other action by
387 proxy; or

388 (vi) establish other procedures, limitations, or conditions governing electronic meetings
389 not in conflict with this section.

390 (3) A public body that convenes and conducts an electronic meeting shall:

391 (a) give public notice of the electronic meeting in accordance with Section [52-4-202](#);

392 (b) except for an electronic meeting described in Subsection (5), post written notice of
393 the electronic meeting at the anchor location; and

394 (c) except as otherwise provided in a rule of the Legislature applicable to the public
395 body, at least 24 hours before the electronic meeting is scheduled to begin, provide each
396 member of the public body a description of how to electronically connect to the meeting.

397 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts

398 an electronic meeting shall provide space and facilities at an anchor location for members of
399 the public to attend the open portions of the meeting.

400 (b) A public body that convenes and conducts an electronic meeting may provide
401 means by which members of the public [~~who are not physically present at the anchor location~~]
402 may attend the meeting remotely by electronic means.

403 (5) Subsection (4)(a) does not apply to an electronic meeting if:

404 (a) (i) the chair of the public body determines that:

405 (A) conducting the meeting as provided in Subsection (4)(a) presents a substantial risk
406 to the health or safety of those present or who would otherwise be present at the anchor
407 location; or

408 (B) the location where the public body would normally meet has been ordered closed
409 to the public for health or safety reasons; and

410 (ii) the public notice for the meeting includes:

411 (A) a statement describing the chair's determination under Subsection (5)(a)(i);

412 (B) a summary of the facts upon which the chair's determination is based; and

413 (C) information on how a member of the public may attend the meeting remotely by
414 electronic means; [~~or~~]

415 (b) (i) during the course of the electronic meeting, the chair:

416 (A) determines that continuing to conduct the electronic meeting as provided in
417 Subsection (4)(a) presents a substantial risk to the health or safety of those present at the
418 anchor location; and

419 (B) announces during the electronic meeting the chair's determination under Subsection
420 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and

421 (ii) in convening the electronic meeting, the public body has provided means by which
422 members of the public who are not physically present at the anchor location may attend the
423 electronic meeting remotely by electronic means[-];

424 (c) (i) the public body is a local district board of trustees established under Title 17B,
425 Chapter 1, Part 3, Board of Trustees;

426 (ii) the board of trustee's membership consists of:

427 (A) at least two members who are elected or appointed to the board as owners of land,
428 or as an agent or officer of the owners of land, under the criteria described in Subsection

429 [17B-1-302\(2\)\(b\)](#); or

430 (B) at least one member who is elected or appointed to the board as an owner of land,
431 or as an agent or officer of the owner of land, under the criteria described in Subsection

432 [17B-1-302\(3\)\(a\)\(ii\)](#);

433 (iii) the public notice required under Subsection [52-4-202\(3\)\(a\)\(i\)\(B\)](#) for the electronic
434 meeting includes information on how a member of the public may attend the meeting remotely
435 by electronic means; and

436 (iv) the board of trustees allows members of the public attending the meeting by
437 remote electronic means to participate in the meeting; or

438 (d) (i) the public body is a special service district administrative control board
439 established under Title 17D, Chapter 1, Part 3, Administrative Control Board;

440 (ii) the administrative control board's membership consists of:

441 (A) at least one member who is elected or appointed to the board as an owner of land,
442 or as an agent or officer of the owner of land, under the criteria described in Subsection

443 [17D-1-304\(1\)\(a\)\(iii\)\(A\)](#) or (B), as applicable; or

444 (B) members that qualify for election or appointment to the board because the owners
445 of real property in the special service district meet or exceed the threshold percentage described
446 in Subsection [17D-1-304\(1\)\(b\)\(i\)](#);

447 (iii) the public notice required under Subsection [52-4-202\(3\)\(a\)\(i\)\(B\)](#) for the electronic
448 meeting includes information on how a member of the public may attend the meeting remotely
449 by electronic means; and

450 (iv) the administrative control board allows members of the public attending the
451 meeting by remote electronic means to participate in the meeting.

452 (6) A determination under Subsection (5)(a)(i) expires 30 days after the day on which
453 the chair of the public body makes the determination.

454 (7) Compliance with the provisions of this section by a public body constitutes full and
455 complete compliance by the public body with the corresponding provisions of Sections
456 [52-4-201](#) and [52-4-202](#).

457 (8) Unless a public body adopts a resolution, rule, or ordinance described in Subsection
458 (2)(c)(v), a public body that is conducting an electronic meeting may not allow a member to
459 vote or otherwise act by proxy.

460 (9) Except for a unanimous vote, a public body that is conducting an electronic
461 meeting shall take all votes by roll call.

462 Section 9. Section **63H-1-202** is amended to read:

463 **63H-1-202. Applicability of other law.**

464 (1) As used in this section:

465 (a) "Subsidiary" means an authority subsidiary that is a public body as defined in
466 Section [52-4-103](#).

467 (b) "Subsidiary board" means the governing body of a subsidiary.

468 (2) The authority or land within a project area is not subject to:

469 (a) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act;

470 (b) Title 17, Chapter 27a, County Land Use, Development, and Management Act;

471 (c) ordinances or regulations of a county or municipality, including those relating to
472 land use, health, business license, or franchise; or

473 (d) the jurisdiction of a local district under Title 17B, Limited Purpose Local
474 Government Entities - Local Districts, or a special service district under Title 17D, Chapter 1,
475 Special Service District Act.

476 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),
477 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed
478 by Title 63E, Independent Entities Code.

479 (4) (a) The definitions in Section [57-8-3](#) apply to this Subsection (4).

480 (b) Notwithstanding the provisions of Title 57, Chapter 8, Condominium Ownership
481 Act, or any other provision of law:

482 (i) if the military is the owner of land in a project area on which a condominium project
483 is constructed, the military is not required to sign, execute, or record a declaration of a
484 condominium project; and

485 (ii) if a condominium unit in a project area is owned by the military or owned by the
486 authority and leased to the military for \$1 or less per calendar year, not including any common
487 charges that are reimbursements for actual expenses:

488 (A) the condominium unit is not subject to any liens under Title 57, Chapter 8,
489 Condominium Ownership Act;

490 (B) condominium unit owners within the same building or commercial condominium

491 project may agree on any method of allocation and payment of common area expenses,
492 regardless of the size or par value of each unit; and

493 (C) the condominium project may not be dissolved without the consent of all the
494 condominium unit owners.

495 (5) Notwithstanding any other provision, when a law requires the consent of a local
496 government, the authority is the consenting entity for a project area.

497 (6) (a) A department, division, or other agency of the state and a political subdivision
498 of the state shall cooperate with the authority to the fullest extent possible to provide whatever
499 support, information, or other assistance the authority requests that is reasonably necessary to
500 help the authority fulfill the authority's duties and responsibilities under this chapter.

501 (b) Subsection (6)(a) does not apply to a political subdivision that does not have any of
502 a project area located within the boundary of the political subdivision.

503 (7) (a) The authority and a subsidiary are subject to Title 52, Chapter 4, Open and
504 Public Meetings Act, except that:

505 (i) notwithstanding Section 52-4-104, the timing and nature of training to authority
506 board members or subsidiary board members on the requirements of Title 52, Chapter 4, Open
507 and Public Meetings Act, may be determined by:

508 (A) the board chair, for the authority board; or

509 (B) the subsidiary board chair, for a subsidiary board;

510 (ii) authority staff may adopt a rule governing the use of electronic meetings under
511 Section 52-4-207, if, under Subsection 63H-1-301(3), the board delegates to authority staff the
512 power to adopt the rule; and

513 (iii) for an electronic meeting of the authority board or subsidiary board that otherwise
514 complies with Section 52-4-207, the authority board or subsidiary board, respectively:

515 (A) is not required to establish an anchor location; and

516 (B) may convene and conduct the meeting without the [written] determination
517 otherwise required under [~~Subsection 52-4-207(4)~~] Subsection 52-4-207(5)(a)(i).

518 (b) Except as provided in Subsection (7)(c), the authority is not required to physically
519 post notice notwithstanding any other provision of law.

520 (c) The authority shall physically post notice in accordance with Subsection
521 52-4-202(3)(a)(i).

522 (8) The authority and a subsidiary are subject to Title 63G, Chapter 2, Government
523 Records Access and Management Act, except that:

524 (a) notwithstanding Section 63G-2-701:

525 (i) the authority may establish an appeals board consisting of at least three members;

526 (ii) an appeals board established under Subsection (8)(a)(i) shall include:

527 (A) one of the authority board members appointed by the governor;

528 (B) the authority board member appointed by the president of the Senate; and

529 (C) the authority board member appointed by the speaker of the House of

530 Representatives; and

531 (iii) an appeal of a decision of an appeals board is to district court, as provided in

532 Section 63G-2-404, except that the State Records Committee is not a party; and

533 (b) a record created or retained by the authority or a subsidiary acting in the role of a
534 facilitator under Subsection 63H-1-201(3)(v) is a protected record under Title 63G, Chapter 2,
535 Government Records Access and Management Act.

536 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection
537 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership
538 that results from the facilitator's work as a facilitator.

539 (10) (a) (i) A subsidiary created as a public infrastructure district under Title 17D,
540 Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter
541 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of
542 the public infrastructure district's financed infrastructure and related improvements, subject to a
543 maximum rate of .015.

544 (ii) A levy under Subsection (10)(a)(i) may be separate from a public infrastructure
545 district property tax levy for a bond.

546 (b) If a subsidiary created as a public infrastructure district issues a bond:

547 (i) the subsidiary may:

548 (A) delay the effective date of the property tax levy for the bond until after the period
549 of capitalized interest payments; and

550 (B) covenant with bondholders not to reduce or impair the property tax levy; and

551 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public
552 Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a

553 rate that generates more revenue than required to pay the annual debt service of the bond plus
554 administrative costs, subject to a maximum of .02.

555 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter
556 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102,
557 within the public infrastructure district and apply a different property tax rate to each tax area,
558 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

559 (ii) If a subsidiary created by a public infrastructure district issues bonds, the subsidiary
560 may issue bonds secured by property taxes from:

561 (A) the entire public infrastructure district; or

562 (B) one or more tax areas within the public infrastructure district.

563 (11) (a) Terms defined in Section 57-11-2 apply to this Subsection (11).

564 (b) Title 57, Chapter 11, Utah Uniform Land Sales Practices Act, does not apply to an
565 offer or disposition of an interest in land if the interest in land lies within the boundaries of the
566 project area and the authority:

567 (i) (A) has a development review committee using at least one professional planner;

568 (B) enacts standards and guidelines that require approval of planning, land use, and
569 plats, including the approval of plans for streets, culinary water, sanitary sewer, and flood
570 control; and

571 (C) will have the improvements described in Subsection (11)(b)(i)(B) plus
572 telecommunications and electricity; and

573 (ii) if at the time of the offer or disposition, the subdivider furnishes satisfactory
574 assurance of completion of the improvements described in Subsection (11)(b)(i)(C).

575 (12) (a) As used in this Subsection (12), "officer" means the same as an officer within
576 the meaning of the Utah Constitution Article IV, Section 10.

577 (b) An official act of an officer may not be invalidated for the reason that the officer
578 failed to take the oath of office.