

**Senator Jacob L. Anderegg** 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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ requires a local school board holding an open meeting to allow a reasonable opportunity for the public to provide verbal comments at the meeting, subject to certain exceptions;
- ▶ requires a local school board to adopt a written policy 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:**



26 AMENDS:

- 27 **11-59-204**, as last amended by Laws of Utah 2021, Chapter 415
- 28 **17B-1-302**, as last amended by Laws of Utah 2022, Chapter 381
- 29 **17D-1-102**, as last amended by Laws of Utah 2014, Chapter 377
- 30 **17D-1-304**, as last amended by Laws of Utah 2014, Chapter 377
- 31 **52-4-202**, as last amended by Laws of Utah 2021, Chapters 84, 345
- 32 **52-4-207**, as last amended by Laws of Utah 2022, Chapters 24, 402
- 33 **63H-1-202**, as last amended by Laws of Utah 2022, Chapters 274, 463

34 ENACTS:

- 35 **17D-1-307**, Utah Code Annotated 1953
- 36 **52-4-201.3**, Utah Code Annotated 1953

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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 52-4-201.3 is enacted to read:

270 **52-4-201.3. Local school boards -- Public comment.**

271 (1) As used in this section, "local school board" means a board elected under Title  
272 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

273 (2) (a) A local school board holding a meeting that is open to the public under Section

274 52-4-201 shall allow a reasonable opportunity for the public to provide verbal comments that  
275 are germane to the authority of the local school board.

276 (b) Subsection (2)(a) does not apply to a meeting that is:

277 (i) a work session; or

278 (ii) an emergency meeting as described in Subsection 52-4-202(5).

279 (3) No later than July 1, 2023, a local school board shall adopt a written policy that  
280 provides a reasonable opportunity for the public to provide both verbal and written comments  
281 in a meeting of the local school board that:

282 (a) is open to the public; and

283 (b) is not a meeting described in Subsection (2)(b).

284 (4) The written policy described in Subsection (3) may limit public verbal and written  
285 comments to topics that are germane to the authority of the local school board.

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

287 **52-4-202. Public notice of meetings -- Emergency meetings.**

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

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

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

293 (i) agenda;

294 (ii) date;

295 (iii) time; and

296 (iv) place.

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

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

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

303 (i) posting written notice:

304 (A) except for an electronic meeting held without an anchor location under [Subsection

305 ~~52-4-207(4)]~~ Subsection ~~52-4-207(5)~~, at the principal office of the public body or specified  
306 body, or if no principal office exists, at the building where the meeting is to be held; and

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

308 (ii) providing notice to:

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

311 (B) a local media correspondent.

312 (b) A public body or specified body is in compliance with the provisions of Subsection  
313 (3)(a)(ii) by providing notice to a newspaper or local media correspondent under the provisions  
314 of Subsection ~~63A-16-601(4)(d)~~.

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

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

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

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

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

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

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

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

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

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

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

333 (b) Subject to the provisions of Subsection (6)(c), and at the discretion of the presiding  
334 member of the public body, a topic raised by the public may be discussed during an open  
335 meeting, even if the topic raised by the public was not included in the agenda or advance public

336 notice for the meeting.

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

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

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

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

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

343 **52-4-207. Electronic meetings -- Authorization -- Requirements.**

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

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

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

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

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

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

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

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

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

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

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

366 (vi) establish other procedures, limitations, or conditions governing electronic meetings

367 not in conflict with this section.

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

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

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

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

375 (4) (a) Except as provided in Subsection (5), a public body that convenes and conducts  
376 an electronic meeting shall provide space and facilities at an anchor location for members of  
377 the public to attend the open portions of the meeting.

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

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

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

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

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

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

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

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

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

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

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

397 (B) announces during the electronic meeting the chair's determination under Subsection

398 (5)(b)(i)(A) and states a summary of the facts upon which the determination is made; and  
399 (ii) in convening the electronic meeting, the public body has provided means by which  
400 members of the public who are not physically present at the anchor location may attend the  
401 electronic meeting remotely by electronic means[-];

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

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

405 (A) at least two members who are elected or appointed to the board as owners of land,  
406 or as an agent or officer of the owners of land, under the criteria described in Subsection  
407 17B-1-302(2)(b); or

408 (B) at least one member who is elected or appointed to the board as an owner of land,  
409 or as an agent or officer of the owner of land, under the criteria described in Subsection  
410 17B-1-302(3)(a)(ii);

411 (iii) the public notice required under Subsection 52-4-202(3)(a)(i)(B) for the electronic  
412 meeting includes information on how a member of the public may attend the meeting remotely  
413 by electronic means; and

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

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

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

419 (A) at least one member who is elected or appointed to the board as an owner of land,  
420 or as an agent or officer of the owner of land, under the criteria described in Subsection  
421 17D-1-304(1)(a)(iii)(A) or (B), as applicable; or

422 (B) members that qualify for election or appointment to the board because the owners  
423 of real property in the special service district meet or exceed the threshold percentage described  
424 in Subsection 17D-1-304(1)(b)(i);

425 (iii) the public notice required under Subsection 52-4-202(3)(a)(i)(B) for the electronic  
426 meeting includes information on how a member of the public may attend the meeting remotely  
427 by electronic means; and

428 (iv) the administrative control board allows members of the public attending the

429 meeting by remote electronic means to participate in the meeting.

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

432 (7) Compliance with the provisions of this section by a public body constitutes full and  
433 complete compliance by the public body with the corresponding provisions of Sections  
434 [52-4-201](#) and [52-4-202](#).

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

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

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

441 **63H-1-202. Applicability of other law.**

442 (1) As used in this section:

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

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

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

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

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

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

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

454 (3) The authority is subject to and governed by Sections [63E-2-106](#), [63E-2-107](#),  
455 [63E-2-108](#), [63E-2-109](#), [63E-2-110](#), and [63E-2-111](#), but is not otherwise subject to or governed  
456 by Title 63E, Independent Entities Code.

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

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

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

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

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

468 (B) condominium unit owners within the same building or commercial condominium  
469 project may agree on any method of allocation and payment of common area expenses,  
470 regardless of the size or par value of each unit; and

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

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

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

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

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

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

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

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

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



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

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

494 (B) may convene and conduct the meeting without the ~~written~~ determination

495 otherwise required under ~~Subsection 52-4-207(4)~~ Subsection 52-4-207(5)(a)(i).

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

498 (c) The authority shall physically post notice in accordance with Subsection

499 52-4-202(3)(a)(i).

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

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

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

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

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

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

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

508 Representatives; and

509 (iii) an appeal of a decision of an appeals board is to district court, as provided in  
510 Section 63G-2-404, except that the State Records Committee is not a party; and

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

514 (9) The authority or a subsidiary acting in the role of a facilitator under Subsection  
515 63H-1-201(3)(v) is not prohibited from receiving a benefit from a public-private partnership  
516 that results from the facilitator's work as a facilitator.

517 (10) (a) (i) A subsidiary created as a public infrastructure district under Title 17D,  
518 Chapter 4, Public Infrastructure District Act, may, subject to limitations of Title 17D, Chapter  
519 4, Public Infrastructure District Act, levy a property tax for the operations and maintenance of  
520 the public infrastructure district's financed infrastructure and related improvements, subject to a  
521 maximum rate of .015.

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

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

525 (i) the subsidiary may:

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

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

529 (ii) notwithstanding a provision to the contrary in Title 17D, Chapter 4, Public  
530 Infrastructure District Act, the tax rate for the property tax levy for the bond may not exceed a  
531 rate that generates more revenue than required to pay the annual debt service of the bond plus  
532 administrative costs, subject to a maximum of .02.

533 (c) (i) A subsidiary created as a public infrastructure district under Title 17D, Chapter  
534 4, Public Infrastructure District Act, may create tax areas, as defined in Section 59-2-102,  
535 within the public infrastructure district and apply a different property tax rate to each tax area,  
536 subject to the maximum rate limitations described in Subsections (10)(a)(i) and (10)(b)(ii).

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

539 (A) the entire public infrastructure district; or

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

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

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

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

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

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

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

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

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