

- 88 (viii) fees and charges;
- 89 (ix) plan and program design;
- 90 (x) investment options and underlying investments offered to account owners;
- 91 (xi) marketing and outreach efforts;
- 92 (xii) financial plans; or
- 93 (xiii) reviews and audits excluding the final report required under Section 53B-8a-111.

94 ~~[(7)] (5) [(a)]~~ "Meeting" means ~~[the convening of a public body or a specified body,~~  
 95 ~~with a quorum present, including a workshop or an executive session, whether in person or by~~  
 96 ~~means of electronic communications, for the purpose of discussing, receiving comments from~~  
 97 ~~the public about, or acting upon a matter over which the public body or specified body has~~  
 98 ~~jurisdiction or advisory power.]~~ a gathering:

99 (a) of a public body or specified body ~~§ → [z] ; ← §~~

100 (b) with a quorum present; and

101 (c) that is convened:

102 (i) by an individual:

103 (A) with authority to convene the public body or specified body; and

104 (B) following the process provided by law for convening the public body or specified  
 105 body; and

106 (ii) for the express purpose of acting as a public body or specified body to:

107 (A) receive public comment about a relevant matter;

108 (B) deliberate about a relevant matter; or

109 (C) take action upon a relevant matter.

110 ~~[(b) "Meeting" does not mean:]~~

111 ~~[(i) a chance gathering or social gathering;]~~

112 ~~[(ii) a convening of the State Tax Commission to consider a confidential tax matter in~~  
 113 ~~accordance with Section 59-1-405; or]~~

114 ~~[(iii) a convening of a three-member board of trustees of a large public transit district~~  
 115 ~~as defined in Section 17B-2a-802 if:]~~

116 ~~[(A) the board members do not, during the conversation, take a tentative or final vote~~  
 117 ~~on the matter that is the subject of the conversation; or]~~

118 ~~[(B) the conversation pertains only to day-to-day management and operation of the~~

119 public transit district.]

120 [(c) "Meeting" does not mean the convening of a public body that has both legislative  
121 and executive responsibilities if:]

122 [(i) no public funds are appropriated for expenditure during the time the public body is  
123 convened; and]

124 [(ii) the public body is convened solely for the discussion or implementation of  
125 administrative or operational matters:]

126 [(A) for which no formal action by the public body is required; or]

127 [(B) that would not come before the public body for discussion or action.]

128 [(8) ~~§~~ → [(6) ← ~~§~~ ["Monitor" means to hear or observe, live, by audio or video equipment,  
128a all of  
129 the public statements of each member of the public body who is participating in a meeting.]

130 [(9) ~~§~~ → [(7) (6) ← ~~§~~ "Participate" means the ability to communicate with all of the  
130a members of a  
131 public body, either verbally or electronically, so that each member of the public body can hear  
132 or observe the communication.

133 [(10) ~~§~~ → [(8) (7) ← ~~§~~ (a) "Public body" means:

134 (i) any administrative, advisory, executive, or legislative body of the state or its  
135 political subdivisions that:

136 (A) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

137 (B) consists of two or more [~~persons~~] individuals;

138 (C) expends, disburses, or is supported in whole or in part by tax revenue; and

139 (D) is vested with the authority to make decisions regarding the public's business; or

140 (ii) any administrative, advisory, executive, or policymaking body of an association, as  
141 that term is defined in Section 53G-7-1101, that:

142 (A) consists of two or more [~~persons~~] individuals;

143 (B) expends, disburses, or is supported in whole or in part by dues paid by a public  
144 school or whose employees participate in a benefit or program described in Title 49, Utah State  
145 Retirement and Insurance Benefit Act; and

146 (C) is vested with authority to make decisions regarding the participation of a public  
147 school or student in an interscholastic activity, as that term is defined in Section 53G-7-1101.

148 (b) "Public body" includes:

149 (i) an interlocal entity or joint or cooperative undertaking, as those terms are defined in

150 Section 11-13-103;

151 (ii) a governmental nonprofit corporation as that term is defined in Section 11-13a-102;

152 (iii) the Utah Independent Redistricting Commission; and

153 (iv) a project entity, as that term is defined in Section 11-13-103.

154 (c) "Public body" does not include:

155 (i) a political party, a political group, or a political caucus;

156 (ii) a conference committee, a rules committee, ~~[or]~~ a sifting committee, or an  
157 administrative staff committee of the Legislature;

158 (iii) a school community council or charter trust land council, as that term is defined in  
159 Section 53G-7-1203;

160 (iv) a taxed interlocal entity, as that term is defined in Section 11-13-602, if the taxed  
161 interlocal entity is not a project entity; or

162 (v) the following Legislative Management subcommittees, which are established in  
163 Section 36-12-8, when meeting for the purpose of selecting or evaluating a candidate to  
164 recommend for employment, except that the meeting in which a subcommittee votes to  
165 recommend that a candidate be employed shall be subject to the provisions of this act:

166 (A) the Research and General Counsel Subcommittee;

167 (B) the Budget Subcommittee; and

168 (C) the Audit Subcommittee.

169 ~~[(11)]~~ ~~§~~ → ~~[(9)]~~ ~~(8)~~ ← ~~§~~ "Public statement" means a statement made in the ordinary course of  
170 business of the public body with the intent that all other members of the public body receive it.

171 ~~[(12)]~~ ~~§~~ → ~~[(10)]~~ ~~(9)~~ ← ~~§~~ ~~[(a)]~~ "Quorum" means a simple majority of the membership of a  
171a public  
172 body, unless otherwise defined by applicable law.

173 ~~[(b)]~~ ~~"Quorum" does not include a meeting of two elected officials by themselves when~~  
174 ~~no action, either formal or informal, is taken.]~~

175 ~~[(13)]~~ ~~§~~ → ~~[(11)]~~ ~~(10)~~ ← ~~§~~ "Recording" means an audio, or an audio and video, record of the  
176 proceedings of a meeting that can be used to review the proceedings of the meeting.

177 ~~§~~ → ~~[(12)]~~ ~~(11)~~ ← ~~§~~ (a) "Relevant matter" means a matter that is within the scope of the  
177a authority of a  
178 public body or specified body.

179 (b) "Relevant matter" does not include, for a public body with both executive and  
180 legislative responsibilities, a managerial or operational matter.

181 [(14)] ~~§~~ → [(13)] (12) ← ~~§~~ "Specified body":

182 (a) means an administrative, advisory, executive, or legislative body that:

183 (i) is not a public body;

184 (ii) consists of three or more members; and

185 (iii) includes at least one member who is:

186 (A) a legislator; and

187 (B) officially appointed to the body by the president of the Senate, speaker of the  
188 House of Representatives, or governor; and

189 (b) does not include a body listed in Subsection [(10)(c)(ii) or (10)(c)(v)] ~~§~~ → [(8)] (7) ← ~~§~~

189a (c)(ii) or

190 ~~§~~ → [(8)] (7) ← ~~§~~ (c)(v).

191 [(15)] "~~Transmit~~" means to send, convey, or communicate an electronic message by  
192 ~~electronic means.~~]

193 Section 2. Section 52-4-204 is amended to read:

194 **52-4-204. Closed meeting held upon vote of members -- Business -- Reasons for**  
195 **meeting recorded.**

196 (1) A closed meeting may be held if:

197 (a) (i) a quorum is present;

198 (ii) the meeting is an open meeting for which notice has been given under Section  
199 52-4-202; and

200 (iii) (A) two-thirds of the members of the public body present at the open meeting vote  
201 to approve closing the meeting;

202 (B) for a meeting that is required to be closed under Section 52-4-205, if a majority of  
203 the members of the public body present at an open meeting vote to approve closing the  
204 meeting;

205 (C) for an ethics committee of the Legislature that is conducting an open meeting for  
206 the purpose of reviewing an ethics complaint, a majority of the members present vote to  
207 approve closing the meeting for the purpose of seeking or obtaining legal advice on legal,  
208 evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the  
209 complaint;

210 (D) for the Political Subdivisions Ethics Review Commission established in Section  
211 63A-15-201 that is conducting an open meeting for the purpose of reviewing an ethics