

1 **OPEN AND PUBLIC MEETING ACT NOTICE AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kraig Powell**

5 Senate Sponsor: _____

6

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Open and Public Meetings Act by amending public notice
10 requirements.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ increases the public notice of meetings requirement from not less than 24 hours
14 before the public meeting to not less than 72 hours before the public meeting;
- 15 ▶ allows a public body to give not less than 24 hours public notice before the
16 scheduled start time of the meeting for an item that was not foreseen in time to give
17 72 hours public notice;
- 18 ▶ allows a public body to give not less than 24 hours public notice before the
19 scheduled start time for a meeting for which each item was not foreseen in time to
20 give 72 hours public notice;
- 21 ▶ allows a public body within the Legislature to continue to provide not less than 24
22 hours public notice of its meetings held for any special session, extraordinary
23 session, or veto override session, or during the period of time beginning seven days
24 before a general session and ending on the last day of the general session; and
- 25 ▶ makes technical changes.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 None

30 **Utah Code Sections Affected:**

31 AMENDS:

32 **52-4-202**, as last amended by Laws of Utah 2009, First Special Session, Chapter 5



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

35 Section 1. Section **52-4-202** is amended to read:

36 **52-4-202. Public notice of meetings -- Emergency meetings.**

37 (1) [A] Except as provided under Subsection (5) or (6), a public body shall give not
38 less than [24] 72 hours public notice before the scheduled start time of each meeting including
39 the meeting:

- 40 (a) agenda;
- 41 (b) date;
- 42 (c) scheduled start time; and
- 43 (d) place.

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

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

49 (3) (a) Public notice shall be satisfied by:

50 (i) posting written notice:

51 (A) at the principal office of the public body, or if no principal office exists, at the
52 building where the meeting is to be held; and

53 (B) [~~beginning October 1, 2008 and~~] except as provided in Subsection (3)(b), on the
54 Utah Public Notice Website created under Section 63F-1-701; and

55 (ii) providing notice to:

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

58 (B) a local media correspondent.

59 (b) A public body of a municipality under Title 10, Utah Municipal Code, a local
60 district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or a
61 special service district under Title 17D, Chapter 1, Special Service District Act, is encouraged,
62 but not required, to post written notice on the Utah Public Notice Website, if the municipality
63 or district has a current annual budget of less than \$1 million.

64 (c) A public body is in compliance with the provisions of Subsection (3)(a)(ii) by
65 providing notice to a newspaper or local media correspondent under the provisions of
66 Subsection 63F-1-701(4)(d).

67 (4) A public body is encouraged to develop and use additional electronic means to
68 provide notice of its meetings under Subsection (3).

69 (5) (a) Except as provided in Subsection (5)(c) or (6), for an item that was not included
70 on an agenda in time to give 72 hours public notice as required under Subsection (1), because
71 the need to address the item was not foreseen at the time public notice was given, the public
72 body shall:

73 (i) give not less than 24 hours public notice before the scheduled start time of the
74 meeting; and

75 (ii) comply with all other provisions required for providing public notice under this
76 section.

77 (b) Except as provided in Subsection (5)(c) or (6), for a meeting for which 72 hours
78 public notice was not made as required under Subsection (1), because the need to address each
79 item on the meeting agenda was not foreseen at the time public notice should have been given,
80 the public body shall:

81 (i) give not less than 24 hours public notice before the scheduled start time of the
82 meeting; and

83 (ii) comply with all other provisions required for providing public notice under this
84 section.

85 (c) Except as provided in Subsection (6), a public body within the Legislature shall
86 provide not less than 24 hours public notice of each meeting held:

87 (i) for, or during, any special session, extraordinary session, or veto override session; or

88 (ii) during the period of time beginning seven days before a general session and ending
89 on the last day of the general session.

90 ~~[(5) (a) The notice requirement of Subsection (1) may be disregarded if:]~~
 91 (6) (a) A public body is not required to comply with the notice requirements described
 92 in Subsections (1), (3), and (5) if:

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

95 (ii) the public body gives the best notice practicable of:

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

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

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

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

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

101 ~~[(6) (7) (a) A public notice that is required to include an agenda under Subsection (1)~~
 102 ~~shall:~~

103 (i) provide reasonable specificity to notify the public [as to the topics] of each item to
 104 be considered at the meeting[. Each topic shall be listed under an agenda item]; and

105 (ii) list each item on the meeting agenda.

106 (b) Subject to the provisions of Subsection ~~[(6) (7)(c)~~, and at the discretion of the
 107 presiding member of the public body, ~~[a topic]~~ an item raised by the public may be discussed
 108 during an open meeting, even if the ~~[topic]~~ item raised by the public was not included in the
 109 agenda or advance public notice for the meeting.

110 (c) Except as provided in Subsection ~~[(5) (6)~~, relating to emergency meetings, a public
 111 body may not take final action on ~~[a topic]~~ an item in an open meeting unless the ~~[topic]~~ item
 112 is:

113 (i) listed ~~[under an]~~ on the agenda ~~[item]~~ as required by Subsection ~~[(6) (7)(a)]~~; and

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

Legislative Review Note
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Office of Legislative Research and General Counsel