

ORDINANCE NO. 62

AN ORDINANCE ESTABLISHING A POLICY AND PROCEDURE FOR THE APPROVAL OF WRITTEN MINUTES FOR THE PUBLIC MEETINGS OF THE TOWN COUNCIL AND OTHER PUBLIC BODIES OF BOULDER TOWN, UTAH

WHEREAS, the Utah Code 52-4-101 et seq. the Utah Open and Public Meetings Act, requires that written minutes of the meetings of a Public Body be taken; and

WHEREAS, the written minutes of meetings of a Public Body are public documents that constitute the official record of this Municipality and need to be appropriately retained by this Municipality and made available to the public at reasonable times and at reasonable costs; and

WHEREAS, this Municipality desires to ensure that the written minutes of meetings accurately reflect the substance of the deliberations and the actual decisions of the Public Body; and

WHEREAS, this Municipality wishes to ensure that the written minutes are accurate by establishing a policy and procedure for the approval of the written minutes before they become the official record of this Municipality; and

WHEREAS, the Utah Open and Public Meetings Act requires that this Municipality establish a policy concerning how written minutes are to be approved by a Public Body of this Municipality,

NOW THEREFORE BE IT ORDAINED BY THE GOVERNING BODY OF BOULDER TOWN AS FOLLOWS:

SECTION I. DEFINITIONS: For purposes of this ordinance the following definitions shall apply so long as they are consistent with the definitions of the same terms found in the Utah Open and Public Meetings Act. If a term is defined differently in the Utah Open and Public Meetings Act, the definition found in that Act shall apply:

(1) "Convening" means the calling of a Meeting of a Public Body by a person authorized to do so for the express purpose of discussing or acting upon a subject over which that Public Body has jurisdiction or advisory power.

(2) (a) "Meeting" means the convening of a Public Body, with a quorum present, including a workshop or an executive session whether the Meeting is held in person or by means of electronic communications, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the Public Body has jurisdiction or advisory power.

(b) "Meeting" does not mean:

(i) a chance meeting;

(ii) a social meeting; or

(iii) the convening of a Public Body that has both legislative and executive responsibilities where no public funds are appropriated for expenditure during the time the Public Body is convened and:

(A) the Public Body is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the Public Body is required; or

(B) the Public Body is convened solely for the discussion or

implementation of administrative or operational matters that would not come before the Public Body for discussion or action.

(3) "Meeting Clerk" shall mean the City Recorder or Town Clerk (or their acting deputies) for a City or Town Council, or shall mean the person assigned by a Public Body, other than a City or Town Council, to record and to take the written minutes of a Meeting of a Public Body of this Municipality.

(4) "Minutes" of a Meeting is a written record of the Meeting that shall include:

- (a) the date, time, and place of the Meeting;
- (b) the names of members present and absent;
- (c) the substance of all matters proposed, discussed, or decided by the Public Body which may include a summary of comments made by members of the Public Body;
- (d) a record, by individual member, of each vote taken by the Public Body;
- (e) the name of each person who:
 - (i) is not a member of the Public Body; and
 - (ii) after being recognized by the presiding member of the Public Body, provided testimony or comments to the Public Body;
- (f) the substance, in brief, of the testimony or comments provided by the public under Subsection (2)(e); and
- (g) any other information that is a record of the proceedings of the Meeting that any member requests be entered in the minutes or recording.

(5) "Proposed Minutes" shall mean the written minutes prepared by the Meeting Clerk that have been given to the members of a Public Body for their review and approval.

(6) (a) "Public Body" means any administrative, advisory, executive, or legislative body of this Municipality that:

- (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;
- (ii) consists of two or more persons;
- (iii) expends, disburses, or is supported in whole or in part by tax revenue; and
- (iv) is vested with the authority to make decisions regarding the public's business.

SECTION II. POLICY FOR APPROVAL OF MINUTES. The following shall be the policy and procedure for the approval of Minutes for this Municipality.

(1) Written Minutes shall be taken for all public Meetings of any Public Body of this Municipality. The Minutes of all public Meetings of any Public Body of this Municipality shall be recorded and taken down by the Meeting Clerk during the course of any public Meeting of the Public Body.

(2) Within fifteen working days from the end of the Meeting, the Meeting Clerk shall prepare Proposed Minutes for the Meeting and give a copy of the Proposed Minutes to each member of the Public Body for his or her review and comments.

(3) Once the Proposed Minutes have been given to the members of the Public Body, the Meeting Clerk shall immediately make available to the public the Proposed Written minutes, which shall be clearly identified as "awaiting formal approval" or "unapproved" or with some other appropriate notice that the Proposed Minutes are subject to change until formally approved and they shall become a public document available to any member of the public who requests to read or copy the Proposed Minutes.

(4) The Public Body shall consider the Proposed Minutes for approval at the first regularly scheduled Meeting of the Public Body that immediately follows the Meeting Clerk giving the Proposed Minutes to the members of the Public Body. The proposed minutes would only need to be considered if there were a sufficient number of members present who were at the previous meeting for which the minutes were prepared such that the members present could approve the accuracy of the minutes. If there are an insufficient number of the members present to approve the minutes, the Public Body could defer consideration of the minutes until the next meeting wherein a sufficient number of the members are present. The members of the Public Body shall either approve the proposed written minutes as presented or vote to correct and amend the proposed written minutes and then approve the corrected and amended written minutes.

(5) If the Public Body fails to consider the Proposed Minutes, or does not take any action to approve the Proposed Minutes, at the first regularly scheduled Public Meeting held by the Public Body (with sufficient members present at the former meeting) immediately following the Public Body's receipt of the Proposed Minutes from the Meeting Clerk, the Proposed Minutes shall be deemed to have been approved by the Public Body and will stand as proposed. As noted above, the Public Body need not consider the Proposed Minutes if an insufficient number of members who were present at the prior meeting are present at the subsequent meeting, and failure to do so would not constitute a de facto approval.

(6) Once the Proposed Minutes have either been approved by the Public Body, or have been deemed to have been approved by the inaction of the Public Body, they shall become the official record of the proceedings of the Public Body and shall be signed by the Clerk of the Meeting and shall be retained in the official records of this Municipality and shall be a public document available for the inspection and copying by members of the public as appropriate under Utah law.

PART III. This Ordinance shall take effect upon posting or publication as may be required by law.

PASSED AND DATED THIS 6th DAY OF August 2009.

Bill Muse
Mayor

Attest:

Judith Davis
Recorder/clerk