

ELECTRONIC MEETINGS FOR CHARTER SCHOOL

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bradley M. Daw

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill amends provisions in Title 52, Chapter 4, Open and Public Meetings Act, related to electronic meetings held by charter school boards.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ authorizes a charter school board to conduct and convene an electronic meeting in writing on a website;
- ▶ requires notice to be given regarding when a vote will be taken;
- ▶ prohibits a charter school board member from communicating with another person while a vote is taken during an electronic meeting;
- ▶ exempts a charter school board from recording requirements;
- ▶ establishes requirements for a website on which an electronic meeting of a charter school board takes place;
- ▶ establishes a criminal penalty;
- ▶ provides for enforcement; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

30 AMENDS:

31 **52-4-209**, as enacted by Laws of Utah 2011, Chapter 31

32 **52-4-302**, as last amended by Laws of Utah 2008, Chapter 234

33

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

35 Section 1. Section **52-4-209** is amended to read:

36 **52-4-209. Electronic meetings for charter school board.**

37 (1) [As] Notwithstanding the definitions provided in Section 52-4-103 for this chapter,
38 as used in this section[;];

39 (a) "Anchor location" means a physical location where:

40 (i) the charter school board would normally meet if the charter school board were not
41 holding an electronic meeting; and

42 (ii) space, a facility, and technology are provided to the public to monitor and, if public
43 comment is allowed, to participate in an electronic meeting during regular business hours.

44 (b) "Charter school board" means the governing body of a school created under Title
45 53A, Chapter 1a, Part 5, The Utah Charter Schools Act.

46 ~~[(2) The Electronic Meetings for Charter Schools Pilot Program is created to pilot the~~
47 ~~development and implementation of electronic meetings for charter schools.]~~

48 ~~[(3) Beginning May 10, 2011, and ending May 8, 2012, a]~~

49 (c) "Meeting" means the convening of a charter school board:

50 (i) with a quorum who:

51 (A) monitors a website at least once during the electronic meeting; and

52 (B) casts a vote on a website, if a vote is taken; and

53 (ii) for the purpose of discussing, receiving comments from the public about, or acting
54 upon a matter over which the charter school board has jurisdiction or advisory power.

55 (d) "Monitor" means to:

56 (i) read all the content added to a website by the public or a charter school board
57 member; and

58 (ii) view a vote cast by a charter school board member on a website.
59 (e) "Participate" means to add content to a website.
60 (2) (a) A charter school board may convene and conduct an electronic meeting in
61 accordance with ~~[this section]~~ Section 52-4-207.
62 (b) A charter school board may convene and conduct an electronic meeting in
63 accordance with this section that is in writing on a website if:
64 (i) the chair verifies that a quorum monitors the website;
65 (ii) the content of the website is available to the public;
66 (iii) the chair controls the times in which a charter school board member or the public
67 participates; and
68 (iv) the chair requires a person to identify himself or herself if the person:
69 (A) participates; or
70 (B) casts a vote as a charter school board member.
71 ~~[(4)]~~ (3) A charter school that conducts an electronic meeting under this section shall:
72 (a) give public notice of the electronic meeting:
73 (i) in accordance with Section 52-4-202; and
74 (ii) by posting written notice at the anchor location as required under Section 52-4-207;
75 (b) in addition to giving public notice required by Subsection ~~[(4)]~~ (3)(a), provide:
76 (i) notice of the electronic meeting to the members of the charter school board at least
77 24 hours before the meeting so that they may participate in and be counted as present for all
78 purposes, including the determination that a quorum is present;
79 (ii) a description of how the members ~~[will]~~ and the public may be connected to the
80 electronic meeting; ~~[and]~~
81 (iii) a start and end time for the meeting, which shall be no longer than ~~[24 hours]~~ 5
82 days; and
83 ~~[(c) provide space, facilities, and technology in the building where the charter school~~
84 ~~board would normally meet if they were not holding an electronic meeting so the public may~~
85 ~~attend, monitor, and participate in the meeting during regular business hours.]~~

86 (iv) a start and end time for when a vote will be taken in an electronic meeting, which
87 shall be no longer than four hours; and

88 (c) provide an anchor location.

89 (4) The chair shall:

90 (a) not allow anyone to participate from the time the notice described in Subsection
91 (3)(b)(iv) is given until the end time for when a vote will be taken; and

92 (b) allow a charter school board member to change a vote until the end time for when a
93 vote will be taken.

94 (5) During the time in which a vote may be taken, a charter school board member may
95 not communicate in any way with any person regarding an issue over which the charter school
96 board has jurisdiction.

97 ~~[(5)]~~ (6) A charter school conducting an electronic meeting under this section may not
98 close a meeting as otherwise allowed under this part.

99 ~~[(6)]~~ (7) (a) Written minutes [and a recording] shall be kept of an electronic meeting
100 conducted as required in Section 52-4-203.

101 (b) (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic
102 meeting described in Subsection (2)(b).

103 (ii) All of the content of the website shall be kept for an electronic meeting conducted
104 under this section.

105 ~~[(7)]~~ (c) Written minutes are the official record of action taken at an electronic meeting
106 as required in Section 52-4-203.

107 (8) (a) A charter school board shall ensure that the website used to conduct an
108 electronic meeting:

109 (i) is secure; and

110 (ii) provides with reasonably certainty the identity of a charter school board member
111 who logs on, adds content, or casts a vote on the website.

112 (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself
113 or herself as required by Subsection (2)(b)(iv).

114 [~~(8)~~] (9) Compliance with the provisions of this section by a charter school constitutes
115 full and complete compliance by the public body with the corresponding provisions of Sections
116 52-4-201 and 52-4-202.

117 [~~(9) A charter school that conducts an electronic meeting under this section shall report~~
118 ~~to the Public Utilities and Technology Interim Committee by October 1, 2011, as to the~~
119 ~~effectiveness of conducting business via electronic meetings under this section.]~~

120 Section 2. Section **52-4-302** is amended to read:

121 **52-4-302. Suit to void final action -- Limitation -- Exceptions.**

122 (1) (a) Any final action taken in violation of Section 52-4-201, 52-4-202, [~~or~~]
123 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.

124 (b) A court may not void a final action taken by a public body for failure to comply
125 with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:

- 126 (i) the posting is made for a meeting that is held before April 1, 2009; or
- 127 (ii) (A) the public body otherwise complies with the provisions of Section 52-4-202;
- 128 and

129 (B) the failure was a result of unforeseen Internet hosting or communication
130 technology failure.

131 (2) Except as provided under Subsection (3), a suit to void final action shall be
132 commenced within 90 days after the date of the action.

133 (3) A suit to void final action concerning the issuance of bonds, notes, or other
134 evidences of indebtedness shall be commenced within 30 days after the date of the action.