

## SALT LAKE COUNTY ORDINANCE

ORDINANCE NO. \_\_\_\_\_, 2023

### PUBLIC COMMENT REQUIREMENTS FOR SALT LAKE COUNTY PUBLIC BODIES

AN ORDINANCE OF THE LEGISLATIVE BODY OF SALT LAKE COUNTY, UTAH, AMENDING SECTION 2.07.030 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “GOVERNMENT IN THE SUNSHINE,” AND ENACTING SECTION 2.08.120 OF THE SALT LAKE COUNTY CODE OF ORDINANCES, 2001, ENTITLED “PUBLIC COMMENT REQUIREMENTS FOR SALT LAKE COUNTY PUBLIC BODIES” CREATING REQUIREMENTS THAT SALT LAKE COUNTY’S PUBLIC BODIES ESTABLISH POLICIES AND PROCEDURES ALLOWING MEMBERS OF THE PUBLIC TO PROVIDE CERTAIN PUBLIC COMMENT AND MAKING RELATED CHANGES

The County Legislative Body of Salt Lake County ordains as follows:

SECTION I. The amendments made herein are designated by underlining the new substituted words. Words being deleted are designated by brackets and strike-through.

SECTION II. Section 2.07.030 of the Salt Lake County Code of Ordinances, 2001 is hereby amended to read as follows:

#### **2.07.030 – Government in the sunshine.**

A. Salt Lake County is considered an open records and open meetings government and all elected officials, officers, and employees are directed to observe, with exactness, all applicable provisions of state statute and county ordinance regarding open records and open meetings including, but not limited to, the Government Records Access and Management Act (GRAMA), the Open and Public Meetings Act (~~[ACT]~~OPMA), and county ordinances and policies regarding those state statutes. Where justified in accordance with the relevant law and policy, and all other considerations being equal, the requirements of openness and transparency should be interpreted to provide public access to Salt Lake County government’s records and meetings.

~~[1.— In the interests of maintaining openness and transparency in county records, county officers and employees are directed to give strong consideration to the application of an impartial balancing test established by GRAMA when determining whether a record should be released. Officers and employees shall seek to achieve GRAMA's express goals of openness while also giving due consideration to individual privacy rights. Where justified, in accordance with GRAMA, and all other considerations being equal, access should be balanced in favor of openness and transparency.~~

~~2. a. As technology presents new developments in the means of communication, including electronic messaging and the "social media," employees and officers are directed to apply GRAMA standards of openness or confidentiality based on the content of a record, regardless of the medium used.~~

~~b. Whereas many modern forums of electronic media, such as the so-called "social media," reduce or eliminate the county's ability to retain, store, retrieve and copy such communications, county officers and employees are encouraged to seek appropriate and cost effective solutions to make government records which are transmitted in electronic media and are classified as public more available for public review and distribution.]~~

B. Salt Lake County public bodies shall comply with the provisions of OPMA as well as the provisions of Salt Lake County Code of Ordinances § 2.08.120 relating to public comment.

~~[Elected officials in the executive branch are strongly encouraged to make their staff and other meetings open to members of the public and to the media to the extent practical under their statutory and other responsibilities. Although the Open Meetings Act is not binding on~~

~~individual elected officials, those officials are requested to follow the substantive provisions of the Act in regards to notice, minutes, and other procedural requirements.]~~

C. The council directs that the human resources and contracts and procurement divisions develop cost effective means to publish, on the county's website, all personnel actions of a routine nature and information regarding county contracts so that those matters can be readily available for public distribution and information is made ~~[pubie]~~ public in accordance with the provisions of GRAMA. Records regarding non-routine personnel matters, including disciplinary actions and grievances, and contract information shall be governed by GRAMA as to the public or confidential nature of those records. The council requests that the mayor's office institute procedures to make public its activities regarding matters of high public interest, where those matters might not already be rendered public under the provisions of GRAMA and the Act.

D. All meetings of any deliberative board, committee, or agency of the executive branch of the County covered by ~~[the Open Meetings Act]~~ OPMA, including boards or committees conducting quasi-judicial administrative hearings, are directed to conduct all aspects of their decision making process, including both the gathering of evidence and deliberations regarding a decision, in an open and public meeting, with appropriate notice and minutes, unless the nature of the hearing permits closure to the public under the exceptions and procedures provided ~~[in the Act]~~ by OPMA.

~~[1. Under rare circumstances, where a deliberative body of the executive branch has good cause to close only its deliberation sessions, it may apply to the mayor, in writing, for an exception to subsection D. If the mayor determines that such an exception is in the best public interest of County government and is within the provisions and intent of Utah law, the mayor may give written permission to the applicant agency to conduct~~

~~only its deliberative process in private, in accordance with the standards established by applicable decisions of the Utah Supreme Court.~~

- ~~2. All other provisions of state statute and the Open Meetings Act shall be otherwise applicable to bodies and meetings as defined in the law and to those exceptions in statute which permit closed meetings, under the circumstances and in accordance with the provisions of Section 52-4-205 of the Act.]~~

SECTION III. Section 2.08.120 of the Salt Lake County Code of Ordinances, 2001 is hereby enacted to read as follows:

**2.08.120 – Public Comment Requirements for Salt Lake County Public Bodies.**

- A. For the purpose of this section, “public bodies” shall have the same meaning as that term is defined and used in the Open and Public Meetings Act, as may be amended.
- B. Unless otherwise provided for by Utah statute or Salt Lake County ordinance, each Salt Lake County public body shall allow at each of its regular public meetings a reasonable opportunity for the public to provide verbal comments that are related to the authority of the public body.
- C. Unless otherwise provided for by Utah statute or Salt Lake County ordinance, each Salt Lake County public body shall provide and publicize in the public body’s meeting agendas, and on the public body’s website if it has one, the means and mechanism by which members of the public may provide written comments to the public body and to each of the public body’s individual members that are related to the authority of the public body.
- D. No later than January 31, 2024, each Salt Lake County public body shall adopt a written policy or bylaws establishing the more specific procedures by which the public may provide the verbal and written comments required by subsections B and C.

E. The public comment requirements established by this section shall be provided separately from any public hearings conducted by a Salt Lake County public body as may be required by Utah statute or Salt Lake County ordinance.

F. Nothing contained in this section shall be construed to preclude Salt Lake County public bodies from establishing restrictions on the time, place, and manner of public comments consistent with applicable federal and state law, and as may be necessary to maintain order.

SECTION IV. This ordinance shall become effective fifteen (15) days after its passage and upon at least one publication in a newspaper published and having general circulation in Salt Lake County.

APPROVED and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

SIGNATURES ON FOLLOWING PAGE

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

REVIEWED AS TO FORM

Gavin Anderson 8 Aug 2023  
Deputy District Attorney Date

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

Vetoed and dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

By: \_\_\_\_\_  
Jennifer Wilson, Mayor

(Complete as Applicable)

Veto override: Yes \_\_\_\_ No \_\_\_\_ Date \_\_\_\_\_

Ordinance published in the newspaper: Date \_\_\_\_\_

Effective date of ordinance: \_\_\_\_\_

**SUMMARY OF**

**SALT LAKE COUNTY ORDINANCE NO. \_\_\_\_\_**

On the \_\_\_\_ day of \_\_\_\_\_, 2023, the County Council of Salt Lake County adopted Ordinance No. \_\_\_\_\_, amending Section 2.07.030 of the Salt Lake County Code of Ordinances, 2001, and establishing Section 2.08.120 of the Salt Lake County Code of Ordinances, 2001, requiring Salt Lake County public bodies to provide an opportunity for members of the public to provide verbal and written comments and making related changes.

SALT LAKE COUNTY COUNCIL

By: \_\_\_\_\_  
Aimee Winder Newton, Chair

ATTEST:

\_\_\_\_\_  
Lannie Chapman  
Salt Lake County Clerk

Council Member Alvord voting	_____
Council Member Bradley voting	_____
Council Member Bradshaw voting	_____
Council Member Granato voting	_____
Council Member Harrison voting	_____
Council Member Stewart voting	_____
Council Member Stringham voting	_____
Council Member Theodore voting	_____
Council Member Winder Newton voting	_____

A complete copy of the ordinance is available in the office of the Salt Lake County Clerk, 2001 South State Street, N2-700, Salt Lake City, Utah.