

AGENDA

Prison Relocation and Development Authority

Wednesday, June 12th 2013

2:00 pm to 4:00 pm

Capitol Board Room, 240

2:00 pm Call to Order – Mike Mower, Deputy Chief of Staff

2:05 pm Welcome and Introductions – Lane Summerhays, Chair

2:15 pm Review Statutory Charge and Overview of Assignments – Rep. Greg Hughes, Alan Bachman

2:30 pm Review findings from earlier PRADA group – Rep. Brad Wilson/Dave Walsh

3:00 pm Establish PRADA Director Recruitment Process – DHRM/Mike Mower

3:30 pm Discuss Plan of Action and Future Meeting Schedule – Lane Summerhays

3:45 pm Adjourn

Prison Relocation & Development Authority (PRADA) Membership June 2013

S. Camille Anthony

Center for Homeland Defense & Security
Associate Director

Judge Judith Atherton

Third District Court

Rep. Eric Hutchings

District 38

Dave Luna

Mortgage Educators, President

Mayor Ben McAdams

Salt Lake County Mayor

Leland Pollock

Garfield County Commissioner

Mayor Darrell Smith

Mayor of Draper City

Senator Jerry Stevenson

District 21

Lane Summerhays - Chairman

Advantage Workers Compensation

Senator Steve Urquhart

District 29

Rep. Brad Wilson

District 15

1 **PRISON RELOCATION AND DEVELOPMENT AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Scott K. Jenkins**

5 House Sponsor: Brad R. Wilson

7 **LONG TITLE**

8 **General Description:**

9 This bill addresses the relocation of the state prison, including the development of the
10 current prison land.

11 **Highlighted Provisions:**

12 This bill:

- 13 ▶ modifies provisions relating to the Prison Relocation and Development Authority;
- 14 ▶ modifies the duties and responsibilities of the authority;
- 15 ▶ establishes a process for the authority to issue a request for proposals for a new
16 prison development project, current prison land development project, or master
17 development project, receive and evaluate proposals, and make a recommendation
18 to the Legislature and governor;
- 19 ▶ provides requirements for a request for proposals and for proposals;
- 20 ▶ enacts a provision relating to compensation and expenses of authority members; and
- 21 ▶ enacts a provision relating to authority members' ethics and conflicts of interest.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 This bill provides an immediate effective date.

26 This bill provides revisor instructions.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **63C-13-102**, as enacted by Laws of Utah 2011, Chapter 408

30 63C-13-103, as last amended by Laws of Utah 2011, Second Special Session, Chapter 4

31 63C-13-105, as enacted by Laws of Utah 2011, Chapter 408

32 ENACTS:

33 63C-13-104.3, Utah Code Annotated 1953

34 63C-13-104.7, Utah Code Annotated 1953

35 63C-13-107, Utah Code Annotated 1953

36 63C-13-108, Utah Code Annotated 1953

37 REPEALS:

38 63C-13-104, as last amended by Laws of Utah 2011, Second Special Session, Chapter 4

39 Utah Code Sections Affected by Revisor Instructions:

40 63C-13-104.7, Utah Code Annotated 1953



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

43 Section 1. Section 63C-13-102 is amended to read:

44 **63C-13-102. Definitions.**

45 As used in this chapter:

46 (1) "Authority" means the Prison Relocation and Development Authority, created in
47 Section 63C-13-103.

48 [~~(2) "Prison relocation project" means a project or potential project to relocate the state
49 prison to another suitable location in the state in order to allow private development of the land
50 on which the state prison is presently located, subject to applicable local land use and other
51 ordinances.]~~

52 (2) "Current prison" means the state prison operating as of February 1, 2013 in Salt
53 Lake County.

54 (3) "Current prison land" means all the land owned or controlled by the state on which
55 the current prison is located or that is contiguous to and surrounding the current prison,
56 including land owned by the Utah Department of Transportation but not used by the Utah
57 Department of Transportation for a right-of-way.

58 (4) "Current prison land development project" means a project to develop the current
59 prison land, including:

60 (a) the transfer of the current prison land into private ownership; and

61 (b) the demolition of the current prison after it is vacated.

62 (5) "Division" means the Division of Facilities Construction and Management created
63 in Section 63A-5-201.

64 (6) "Master development project" means a current prison land development project and
65 a new prison development project.

66 (7) "New prison" means a prison to replace the current prison.

67 (8) "New prison development project":

68 (a) means a project for a new prison at one or more suitable locations in the state other
69 than the location of the current prison; and

70 (b) includes the land on which the new prison will be built.

71 (9) "New prison land" means land on which a new prison is or is projected to be built.

72 Section 2. Section **63C-13-103** is amended to read:

73 **63C-13-103. Creation of Prison Relocation and Development Authority --**

74 **Members.**

75 (1) There is created a prison relocation and development authority.

76 (2) (a) The authority consists of 11 members.

77 (b) [~~Two members~~] One member of the authority shall be appointed by the legislative
78 body of the municipality in [~~whose boundary the prison property is presently located~~] which the
79 current prison is located.

80 (c) [~~Four~~] Six members of the authority shall be appointed by the governor.

81 [~~(d) One member shall be appointed by the Utah Association of Counties.~~]

82 [~~(e)~~] (d) Two members shall be members of the Senate appointed by the president of
83 the Senate.

84 [~~(f)~~] (e) Two members shall be members of the House of Representatives appointed by
85 the speaker of the House of Representatives.

86 (3) Any vacancy shall be filled in the same manner under this section as the
87 appointment of the member whose vacancy is being filled.

88 (4) Each member of the authority shall serve until a successor is duly appointed and
89 qualified.

90 (5) A member may not receive compensation for service on the authority.

91 (6) A majority of members present at a meeting constitutes a quorum.

92 (7) An authority member appointed before the effective date of this section may not
93 continue to serve on the authority unless the member is reappointed on or after the effective
94 date of this section as provided in Subsection (2).

95 Section 3. Section **63C-13-104.3** is enacted to read:

96 **63C-13-104.3. Authority duties and responsibilities.**

97 (1) The authority shall:

98 (a) consult with the division in formulating a request for proposals under Subsection

99 (1)(b):

100 (b) with the approval of the director of the division and the written approval of the
101 governor, and in accordance with Title 63G, Chapter 6a, Utah Procurement Code, issue a
102 request for proposals inviting persons to submit proposals on a new prison development
103 project, current prison land development project, or master development project;

104 (c) provide a process for persons to submit proposals and for the authority to receive
105 proposals;

106 (d) hold at least one public hearing in the municipality within which the current prison
107 is located to receive public comment on proposals on a current prison land development
108 project;

109 (e) hold at least one public hearing in each location where a new prison is proposed to
110 be located under proposals on a new prison development project;

111 (f) evaluate the proposals that are submitted;

112 (g) in evaluating and making a decision on proposals, give additional weight to a
113 proposal that contemplates using contractors, material providers, and laborers from within the

114 state;

115 (h) decide whether to recommend that one of the proposals or a combination of
116 proposals for a new prison development project, current prison land development project, or
117 master development project be accepted and that a contract be awarded to the person or persons
118 who submitted the proposal or combination of proposals; and

119 (i) if the authority decides to recommend a proposal or combination of proposals for
120 awarding a contract for a new prison development project, current prison land development
121 project, or master development project to the person or persons who submitted the proposal or
122 combination of proposals, submit its written recommendation to the governor and the
123 Legislative Management Committee.

124 (2) The authority may appoint one or more subcommittees of its members to act on
125 matters within the authority's duties and responsibilities, but any action of a subcommittee is
126 subject to the authority's approval.

127 Section 4. Section **63C-13-104.7** is enacted to read:

128 **63C-13-104.7. Request for proposals process.**

129 (1) The authority shall hold its first meeting to initiate the process of formulating a
130 request for proposals no later than:

131 (a) April 15, 2013, if this section takes effect on or before March 25, 2013; or

132 (b) June 15, 2013, if this section takes effect after March 25, 2013.

133 (2) (a) In a request for proposals under Subsection 63C-13-104.3(1)(b), the authority
134 shall request offerors to include a proposed conceptual plan.

135 (b) A conceptual plan included in a proposal may incorporate some or all of the
136 features of a general plan described in Title 10, Chapter 9a, Part 4, General Plan.

137 (c) A proposed conceptual plan included in a proposal submitted under this part is a
138 public record.

139 (3) A proposal submitted in response to a request for proposals under Subsection
140 63C-13-104.3(1)(b) shall identify and quantify sources of funds that the proposal relies on for
141 its financial feasibility, including identifying and quantifying which of the following possible

142 sources of funds the proposal relies on:

143 (a) money derived from the sale of the current prison land;

144 (b) savings realized from funds that had been intended for maintenance and upkeep of
145 the current prison but that will not be spent on the current prison due to the construction of a
146 new prison;

147 (c) the amount of future construction costs anticipated to be spent for prison facilities
148 but that will not be spent due to the construction of a new prison;

149 (d) reductions in future years' budgets of the Department of Corrections that equal the
150 savings realized due to greater efficiencies in the operation of a new prison over the anticipated
151 cost of operating the current prison;

152 (e) proceeds from the issuance of bonds;

153 (f) legislative appropriations;

154 (g) financing provided by the developer; and

155 (h) any other source of funds that the offeror proposes to be made available in order to
156 implement the new prison development project, current prison land development project, or
157 master development project.

158 (4) (a) In issuing a request for proposals under Subsection 63C-13-104.3(1)(b), the
159 authority shall request persons submitting proposals to:

160 (i) specify and quantify which sources of funds the proposal relies on for its financial
161 feasibility;

162 (ii) identify any changes in state law the offeror recommends be made in order to
163 facilitate the implementation of the new prison development project, current prison land
164 development project, or master development project; and

165 (iii) comply with all other requirements of the request for proposals.

166 (b) Recommended changes to state law that a proposal identifies under Subsection
167 (4)(a)(ii) are for informational purposes only, and the authority may not give more or less
168 weight to a proposal based on any recommended changes it contains or does not contain.

169 (5) A contract may not be awarded for a new prison development project, current

170 prison land development project, or master development project unless the governor and
171 Legislature indicate their approval, through the adoption of a concurrent resolution or other
172 legislation indicating approval of the feasibility, overall cost, cost-effectiveness, and concepts
173 involved in the new prison development project, current prison land development project, or
174 master development project, as set forth in the recommended proposal or combination of
175 proposals.

176 (6) The current prison land may not be sold, exchanged, leased, or made subject to an
177 option without the prior approval of the Legislature and governor.

178 Section 5. Section **63C-13-105** is amended to read:

179 **63C-13-105. Authority staff and expenses.**

180 (1) The Governor's Office of Planning and Budget shall:

181 ~~(+)~~ (a) provide any necessary staff support for the authority until the authority hires
182 its own staff; and

183 ~~(2)~~ (b) cover authority expenses.

184 (2) The authority may hire employees, including contract employees and a chief
185 administrative officer.

186 Section 6. Section **63C-13-107** is enacted to read:

187 **63C-13-107. Compensation and expenses of authority members.**

188 (1) Salaries and expenses of authority members who are legislators shall be paid in
189 accordance with Section 36-2-2 and Legislative Joint Rules, Title 5, Chapter 3, Expense and
190 Mileage Reimbursement for Authorized Legislative Meetings, Special Sessions, and Veto
191 Override Sessions.

192 (2) An authority member who is not a legislator may not receive compensation or
193 benefits for the member's service on the authority, but may receive per diem and
194 reimbursement for travel expenses incurred as an authority member at the rates established by
195 the Division of Finance under:

196 (a) Sections 63A-3-106 and 63A-3-107; and

197 (b) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

198 63A-3-107.

199 Section 7. Section **63C-13-108** is enacted to read:

200 **63C-13-108. Authority member ethics and conflicts of interest.**

201 (1) An authority member is subject to Title 67, Chapter 16, Utah Public Officers' and
202 Employees' Ethics Act.

203 (2) An individual may not be appointed to the authority if the individual:

204 (a) has an ownership interest in or is an officer or employee of an entity that:

205 (i) anticipates submitting a proposal or submits a proposal for a new prison
206 development project, current prison land development project, or master development project;
207 or

208 (ii) anticipates providing material or labor under a contract awarded pursuant to a
209 proposal for a new prison development project, current prison land development project, or
210 master development project;

211 (b) has a spouse, child, parent, or sibling who has an ownership interest in or is an
212 officer or employee of an entity described in Subsection (2)(a); or

213 (c) has a direct or indirect interest in or derives or will derive any direct or indirect
214 financial benefit from any work done in pursuit of a new prison development project, current
215 prison land development project, or master development project.

216 (3) An authority member may not accept a gift, gratuity, emolument, or employment
217 from any person that has a direct or indirect interest in or will derive any direct or indirect
218 financial benefit from any work performed as part of a new prison development project, current
219 prison land development project, or master development project.

220 (4) An authority member may not continue to serve on the authority and shall resign
221 the member's position on the authority if a circumstance described in Subsection (2) occurs or
222 is discovered after the member's appointment that, had it occurred or been discovered before
223 appointment, would have prohibited the member from being appointed to the authority.

224 Section 8. **Repealer.**

225 This bill repeals:

226 Section **63C-13-104, Authority duties.**

227 Section 9. **Effective date.**

228 If approved by two-thirds of all the members elected to each house, this bill takes effect
229 upon approval by the governor, or the day following the constitutional time limit of Utah
230 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
231 the date of veto override.

232 Section 10. **Revisor instructions.**

233 The Legislature intends that the Office of Legislative Research and General Counsel, in
234 preparing the Utah Code database for publication:

235 (1) revise Subsection 63C-13-104.7(1) to read:

236 (a) if the actual effective date of this bill is March 25, 2013 or earlier, "(1) The
237 authority shall hold its first meeting to initiate the process of formulating a request for
238 proposals no later than April 15, 2013."; or

239 (b) if the actual effective date of this bill is after March 25, 2013, "(1) The authority
240 shall hold its first meeting to initiate the process of formulating a request for proposals no later
241 than June 15, 2013."; and

242 (2) replace the language in Subsection 63C-13-103(7), "the effective date of this
243 section," with the bill's actual effective date.

52-4-101. Title.

This chapter is known as the "Open and Public Meetings Act."

Enacted by Chapter 14, 2006 General Session

52-4-102. Declaration of public policy.

(1) The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.

(2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:

- (a) take their actions openly; and
- (b) conduct their deliberations openly.

Renumbered and Amended by Chapter 14, 2006 General Session

52-4-103. Definitions.

As used in this chapter:

(1) "Anchor location" means the physical location from which:

- (a) an electronic meeting originates; or
- (b) the participants are connected.

(2) "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.

(3) "Electronic meeting" means a public meeting convened or conducted by means of a conference using electronic communications.

(4) "Electronic message" means a communication transmitted electronically, including:

- (a) electronic mail;
- (b) instant messaging;
- (c) electronic chat;
- (d) text messaging as defined in Section 76-4-401; or
- (e) any other method that conveys a message or facilitates communication electronically.

(5) (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;
- (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; or

(iv) a meeting of the State Tax Commission to consider a confidential tax matter in accordance with Section 59-1-405.

(6) "Monitor" means to hear or observe, live, by audio or video equipment, all of the public statements of each member of the public body who is participating in a meeting.

(7) "Participate" means the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.

(8) (a) "Public body" means any administrative, advisory, executive, or legislative body of the state or its political subdivisions 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.

(b) "Public body" does not include a:

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

(ii) conference committee, rules committee, or sifting committee of the

Legislature; or

(iii) school community council established under Section 53A-1a-108.

(9) "Public statement" means a statement made in the ordinary course of business of the public body with the intent that all other members of the public body receive it.

(10) (a) "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.

(b) "Quorum" does not include a meeting of two elected officials by themselves when no action, either formal or informal, is taken on a subject over which these elected officials have advisory power.

(11) "Recording" means an audio, or an audio and video, record of the proceedings of a meeting that can be used to review the proceedings of the meeting.

(12) "Transmit" means to send, convey, or communicate an electronic message by electronic means.

Amended by Chapter 277, 2012 General Session

52-4-104. Training.

The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.

Enacted by Chapter 263, 2006 General Session

52-4-201. Meetings open to the public -- Exceptions.

(1) A meeting is open to the public unless closed under Sections 52-4-204, 52-4-205, and 52-4-206.

(2) (a) A meeting that is open to the public includes a workshop or an executive session of a public body in which a quorum is present, unless closed in accordance with this chapter.

(b) A workshop or an executive session of a public body in which a quorum is present that is held on the same day as a regularly scheduled public meeting of the public body may only be held at the location where the public body is holding the regularly scheduled public meeting unless:

(i) the workshop or executive session is held at the location where the public body holds its regularly scheduled public meetings but, for that day, the regularly scheduled public meeting is being held at different location;

(ii) any of the meetings held on the same day is a site visit or a traveling tour and, in accordance with this chapter, public notice is given;

(iii) the workshop or executive session is an electronic meeting conducted according to the requirements of Section 52-4-207; or

(iv) it is not practicable to conduct the workshop or executive session at the regular location of the public body's open meetings due to an emergency or extraordinary circumstances.

Renumbered and Amended by Chapter 14, 2006 General Session
Amended by Chapter 263, 2006 General Session

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

(1) A public body shall give not less than 24 hours public notice of each meeting including the meeting:

- (a) agenda;
- (b) date;
- (c) time; and
- (d) place.

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

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

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

(i) posting written notice:

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

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

(ii) providing notice to:

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

(B) a local media correspondent.

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

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

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

(5) (a) The notice requirement of Subsection (1) may be disregarded if:

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

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

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

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

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

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

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

(6) (a) A public notice that is required to include an agenda under Subsection (1) shall provide reasonable specificity to notify the public as to the topics to be considered at the meeting. Each topic shall be listed under an agenda item on the meeting agenda.

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

(c) Except as provided in Subsection (5), relating to emergency meetings, a public body may not take final action on a topic in an open meeting unless the topic is:

(i) listed under an agenda item as required by Subsection (6)(a); and

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

Amended by Chapter 5, 2009 Special Session 1

52-4-203. Written minutes of open meetings -- Public records -- Recording of meetings.

(1) Except as provided under Subsection (7), written minutes and a recording shall be kept of all open meetings.

(2) Written minutes of an open meeting 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.

(3) A recording of an open meeting shall:

(a) be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment of the meeting; and

(b) be properly labeled or identified with the date, time, and place of the meeting.

(4) (a) As used in this Subsection (4):

(i) "Approved minutes" means written minutes:

(A) of an open meeting; and

(B) that have been approved by the public body that held the open meeting.

(ii) "Pending minutes" means written minutes:

(A) of an open meeting; and

(B) that have been prepared in draft form and are subject to change before being approved by the public body that held the open meeting.

(iii) "Specified local public body" means a legislative body of a county, city, or town.

(iv) "State public body" means a public body that is an administrative, advisory, executive, or legislative body of the state.

(v) "Website" means the Utah Public Notice Website created under Section 63F-1-701.

(b) Pending minutes, approved minutes, and a recording of a public meeting are public records under Title 63G, Chapter 2, Government Records Access and Management Act.

(c) Pending minutes shall contain a clear indication that the public body has not yet approved the minutes or that the minutes are subject to change until the public body approves them.

(d) A state public body shall:

(i) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes of an open meeting, post to the website and make available to the public at the public body's primary office a copy of the approved minutes and any public materials distributed at the meeting; and

(iii) within three business days after holding an open meeting, post on the website an audio recording of the open meeting, or a link to the recording.

(e) (i) A specified local public body shall:

(A) make pending minutes available to the public within 30 days after holding the open meeting that is the subject of the pending minutes;

(B) subject to Subsection (4)(e)(ii), within three business days after approving written minutes of an open meeting, post to the website and make available to the public at the public body's primary office a copy of the approved minutes and any public

materials distributed at the meeting; and

(C) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

(ii) A specified local public body of a city of the fifth class or town is encouraged to comply with Subsection (4)(e)(i)(B) but is not required to comply until January 1, 2015.

(f) A public body that is not a state public body or a specified local public body shall:

(i) make pending minutes available to the public within a reasonable time after holding the open meeting that is the subject of the pending minutes;

(ii) within three business days after approving written minutes, make the approved minutes available to the public; and

(iii) within three business days after holding an open meeting, make an audio recording of the open meeting available to the public for listening.

(g) A public body shall establish and implement procedures for the public body's approval of the written minutes of each meeting.

(h) Approved minutes of an open meeting are the official record of the meeting.

(5) All or any part of an open meeting may be independently recorded by any person in attendance if the recording does not interfere with the conduct of the meeting.

(6) The written minutes or recording of an open meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(7) Notwithstanding Subsection (1), a recording is not required to be kept of:

(a) an open meeting that is a site visit or a traveling tour, if no vote or action is taken by the public body; or

(b) an open meeting of a local district under Title 17B, Limited Purpose Local Government Entities - Local Districts, or special service district under Title 17D, Chapter 1, Special Service District Act, if the district's annual budgeted expenditures for all funds, excluding capital expenditures and debt service, are \$50,000 or less.

Amended by Chapter 63, 2013 General Session

52-4-204. Closed meeting held upon vote of members -- Business --

Reasons for meeting recorded.

(1) A closed meeting may be held if:

(a) (i) a quorum is present;

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

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

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

(C) for an ethics committee of the Legislature that is conducting an open meeting for the purpose of reviewing an ethics complaint, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining

legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or

(D) for the Political Subdivisions Ethics Review Commission established in Section 11-49-201 that is conducting an open meeting for the purpose of reviewing an ethics complaint in accordance with Section 11-49-701, a majority of the members present vote to approve closing the meeting for the purpose of seeking or obtaining legal advice on legal, evidentiary, or procedural matters, or for conducting deliberations to reach a decision on the complaint; or

(b) (i) for the Independent Legislative Ethics Commission, the closed meeting is convened for the purpose of conducting business relating to the receipt or review of an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the receipt or review of ethics complaints";

(ii) for the Political Subdivisions Ethics Review Commission established in Section 11-49-201, the closed meeting is convened for the purpose of conducting business relating to the preliminary review of an ethics complaint in accordance with Section 11-49-602, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to the review of ethics complaints"; or

(iii) for the Independent Executive Branch Ethics Commission created in Section 63A-14-202, the closed meeting is convened for the purpose of conducting business relating to an ethics complaint, provided that public notice of the closed meeting is given under Section 52-4-202, with the agenda for the meeting stating that the meeting will be closed for the purpose of "conducting business relating to an ethics complaint."

(2) A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 52-4-205.

(3) An ordinance, resolution, rule, regulation, contract, or appointment may not be approved at a closed meeting.

(4) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(a) the reason or reasons for holding the closed meeting;

(b) the location where the closed meeting will be held; and

(c) the vote by name, of each member of the public body, either for or against the motion to hold the closed meeting.

(5) Except as provided in Subsection 52-4-205(2), nothing in this chapter shall be construed to require any meeting to be closed to the public.

Amended by Chapter 426, 2013 General Session

52-4-205. Purposes of closed meetings -- Certain issues prohibited in closed meetings.

(1) A closed meeting described under Section 52-4-204 may only be held for:

(a) except as provided in Subsection (3), discussion of the character, professional competence, or physical or mental health of an individual;

(b) strategy sessions to discuss collective bargaining;
(c) strategy sessions to discuss pending or reasonably imminent litigation;
(d) strategy sessions to discuss the purchase, exchange, or lease of real property, including any form of a water right or water shares, if public discussion of the transaction would:

(i) disclose the appraisal or estimated value of the property under consideration;
or

(ii) prevent the public body from completing the transaction on the best possible terms;

(e) strategy sessions to discuss the sale of real property, including any form of a water right or water shares, if:

(i) public discussion of the transaction would:

(A) disclose the appraisal or estimated value of the property under consideration; or

(B) prevent the public body from completing the transaction on the best possible terms;

(ii) the public body previously gave public notice that the property would be offered for sale; and

(iii) the terms of the sale are publicly disclosed before the public body approves the sale;

(f) discussion regarding deployment of security personnel, devices, or systems;

(g) investigative proceedings regarding allegations of criminal misconduct;

(h) as relates to the Independent Legislative Ethics Commission, conducting business relating to the receipt or review of ethics complaints;

(i) as relates to an ethics committee of the Legislature, a purpose permitted under Subsection 52-4-204(1)(a)(iii)(C);

(j) as relates to the Independent Executive Branch Ethics Commission created in Section 63A-14-202, conducting business relating to an ethics complaint;

(k) as relates to a county legislative body, discussing commercial information as defined in Section 59-1-404;

(l) as relates to the Utah Higher Education Assistance Authority and its appointed board of directors, discussing fiduciary or commercial information as defined in Section 53B-12-102; or

(m) a purpose for which a meeting is required to be closed under Subsection (2).

(2) The following meetings shall be closed:

(a) a meeting of the Health and Human Services Interim Committee to review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4);

(b) a meeting of the Child Welfare Legislative Oversight Panel to:

(i) review a fatality review report described in Subsection 62A-16-301(1)(a), and the responses to the report described in Subsections 62A-16-301(2) and (4); or

(ii) review and discuss an individual case, as described in Subsection 62A-4a-207(5); and

(c) a meeting of a conservation district as defined in Section 17D-3-102 for the purpose of advising the Natural Resource Conservation Service of the United States

Department of Agriculture on a farm improvement project if the discussed information is protected information under federal law.

(3) In a closed meeting, a public body may not:

(a) interview a person applying to fill an elected position;

(b) discuss filling a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office; or

(c) discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence governed by Title 20A, Chapter 1, Part 5, Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.

Amended by Chapter 238, 2013 General Session

Amended by Chapter 426, 2013 General Session

52-4-206. Record of closed meetings.

(1) Except as provided under Subsection (6), if a public body closes a meeting under Subsection 52-4-205(1), the public body:

(a) shall make a recording of the closed portion of the meeting; and

(b) may keep detailed written minutes that disclose the content of the closed portion of the meeting.

(2) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment of the closed meeting.

(3) The recording and any minutes of a closed meeting shall include:

(a) the date, time, and place of the meeting;

(b) the names of members present and absent; and

(c) the names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

(4) Minutes or recordings of a closed meeting that are required to be retained permanently shall be maintained in or converted to a format that meets long-term records storage requirements.

(5) Both a recording and written minutes of closed meetings are protected records under Title 63G, Chapter 2, Government Records Access and Management Act, except that the records may be disclosed under a court order only as provided under Section 52-4-304.

(6) If a public body closes a meeting exclusively for the purposes described under Subsection 52-4-205(1)(a), (1)(f), or (2):

(a) the person presiding shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the purposes described under Subsection 52-4-205(1)(a),(1)(f), or (2); and

(b) the provisions of Subsection (1) of this section do not apply.

Amended by Chapter 239, 2010 General Session

52-4-207. Electronic meetings -- Authorization -- Requirements.

(1) Except as otherwise provided for a charter school in Section 52-4-209, a

public body may convene and conduct an electronic meeting in accordance with this section.

(2) (a) A public body may not hold an electronic meeting unless the public body has adopted a resolution, rule, or ordinance governing the use of electronic meetings.

(b) The resolution, rule, or ordinance may:

(i) prohibit or limit electronic meetings based on budget, public policy, or logistical considerations;

(ii) require a quorum of the public body to:

(A) be present at a single anchor location for the meeting; and

(B) vote to approve establishment of an electronic meeting in order to include other members of the public body through an electronic connection;

(iii) require a request for an electronic meeting to be made by a member of a public body up to three days prior to the meeting to allow for arrangements to be made for the electronic meeting;

(iv) restrict the number of separate connections for members of the public body that are allowed for an electronic meeting based on available equipment capability; or

(v) establish other procedures, limitations, or conditions governing electronic meetings not in conflict with this section.

(3) A public body that convenes or conducts an electronic meeting shall:

(a) give public notice of the meeting:

(i) in accordance with Section 52-4-202; and

(ii) post written notice at the anchor location;

(b) in addition to giving public notice required by Subsection (3)(a), provide:

(i) notice of the electronic meeting to the members of the public body at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present; and

(ii) a description of how the members will be connected to the electronic meeting;

(c) establish one or more anchor locations for the public meeting, at least one of which is in the building and political subdivision where the public body would normally meet if they were not holding an electronic meeting;

(d) provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting; and

(e) if comments from the public will be accepted during the electronic meeting, provide space and facilities at the anchor location so that interested persons and the public may attend, monitor, and participate in the open portions of the meeting.

(4) Compliance with the provisions of this section by a public body constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 31, 2011 General Session

52-4-208. Chance or social meetings.

(1) This chapter does not apply to any chance meeting or a social meeting.

(2) A chance meeting or social meeting may not be used to circumvent the provisions of this chapter.

Enacted by Chapter 14, 2006 General Session

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

(1) Notwithstanding the definitions provided in Section 52-4-103 for this chapter, as used in this section:

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

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

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

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

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

(i) with a quorum who:

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

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

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

(d) "Monitor" means to:

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

(ii) view a vote cast by a charter school board member on a website.

(e) "Participate" means to add content to a website.

(2) (a) A charter school board may convene and conduct an electronic meeting in accordance with Section 52-4-207.

(b) A charter school board may convene and conduct an electronic meeting in accordance with this section that is in writing on a website if:

(i) the chair verifies that a quorum monitors the website;

(ii) the content of the website is available to the public;

(iii) the chair controls the times in which a charter school board member or the public participates; and

(iv) the chair requires a person to identify himself or herself if the person:

(A) participates; or

(B) casts a vote as a charter school board member.

(3) A charter school that conducts an electronic meeting under this section shall:

(a) give public notice of the electronic meeting:

(i) in accordance with Section 52-4-202; and

(ii) by posting written notice at the anchor location as required under Section 52-4-207;

(b) in addition to giving public notice required by Subsection (3)(a), provide:

(i) notice of the electronic meeting to the members of the charter school board at least 24 hours before the meeting so that they may participate in and be counted as present for all purposes, including the determination that a quorum is present;

- (ii) a description of how the members and the public may be connected to the electronic meeting;
 - (iii) a start and end time for the meeting, which shall be no longer than 5 days;
- and
- (iv) a start and end time for when a vote will be taken in an electronic meeting, which shall be no longer than four hours; and
 - (c) provide an anchor location.
- (4) The chair shall:
- (a) not allow anyone to participate from the time the notice described in Subsection (3)(b)(iv) is given until the end time for when a vote will be taken; and
 - (b) allow a charter school board member to change a vote until the end time for when a vote will be taken.
- (5) During the time in which a vote may be taken, a charter school board member may not communicate in any way with any person regarding an issue over which the charter school board has jurisdiction.
- (6) A charter school conducting an electronic meeting under this section may not close a meeting as otherwise allowed under this part.
- (7) (a) Written minutes shall be kept of an electronic meeting conducted as required in Section 52-4-203.
- (b) (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic meeting described in Subsection (2)(b).
 - (ii) All of the content of the website shall be kept for an electronic meeting conducted under this section.
 - (c) Written minutes are the official record of action taken at an electronic meeting as required in Section 52-4-203.
- (8) (a) A charter school board shall ensure that the website used to conduct an electronic meeting:
- (i) is secure; and
 - (ii) provides with reasonable certainty the identity of a charter school board member who logs on, adds content, or casts a vote on the website.
- (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself or herself as required by Subsection (2)(b)(iv).
- (9) Compliance with the provisions of this section by a charter school constitutes full and complete compliance by the public body with the corresponding provisions of Sections 52-4-201 and 52-4-202.

Amended by Chapter 403, 2012 General Session

52-4-210. Electronic message transmissions.

Nothing in this chapter shall be construed to restrict a member of a public body from transmitting an electronic message to other members of the public body at a time when the public body is not convened in an open meeting.

Enacted by Chapter 25, 2011 General Session

52-4-301. Disruption of meetings.

This chapter does not prohibit the removal of any person from a meeting, if the person willfully disrupts the meeting to the extent that orderly conduct is seriously compromised.

Enacted by Chapter 14, 2006 General Session

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

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

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

(i) the posting is made for a meeting that is held before April 1, 2009; or

(ii) (A) the public body otherwise complies with the provisions of Section 52-4-202; and

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

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

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

Amended by Chapter 403, 2012 General Session

52-4-303. Enforcement of chapter -- Suit to compel compliance.

(1) The attorney general and county attorneys of the state shall enforce this chapter.

(2) The attorney general shall, on at least a yearly basis, provide notice to all public bodies that are subject to this chapter of any material changes to the requirements for the conduct of meetings under this chapter.

(3) A person denied any right under this chapter may commence suit in a court of competent jurisdiction to:

(a) compel compliance with or enjoin violations of this chapter; or

(b) determine the chapter's applicability to discussions or decisions of a public body.

(4) The court may award reasonable attorney fees and court costs to a successful plaintiff.

Renumbered and Amended by Chapter 14, 2006 General Session

Amended by Chapter 263, 2006 General Session

52-4-304. Action challenging closed meeting.

(1) Notwithstanding the procedure established under Subsection 63G-2-202(7), in any action brought under the authority of this chapter to challenge the legality of a closed meeting held by a public body, the court shall:

(a) review the recording or written minutes of the closed meeting in camera; and

(b) decide the legality of the closed meeting.

(2) (a) If the judge determines that the public body did not violate Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall dismiss the case without disclosing or revealing any information from the recording or minutes of the closed meeting.

(b) If the judge determines that the public body violated Section 52-4-204, 52-4-205, or 52-4-206 regarding closed meetings, the judge shall publicly disclose or reveal from the recording or minutes of the closed meeting all information about the portion of the meeting that was illegally closed.

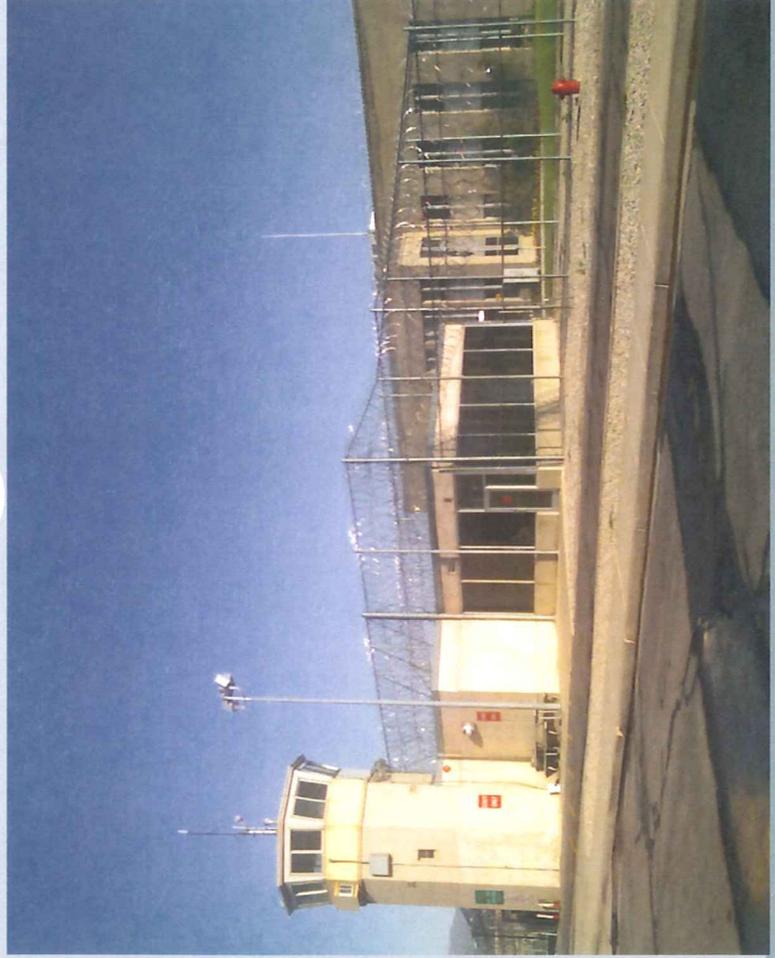
Amended by Chapter 382, 2008 General Session.

52-4-305. Criminal penalty for closed meeting violation.

In addition to any other penalty under this chapter, a member of a public body who knowingly or intentionally violates or who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a class B misdemeanor.

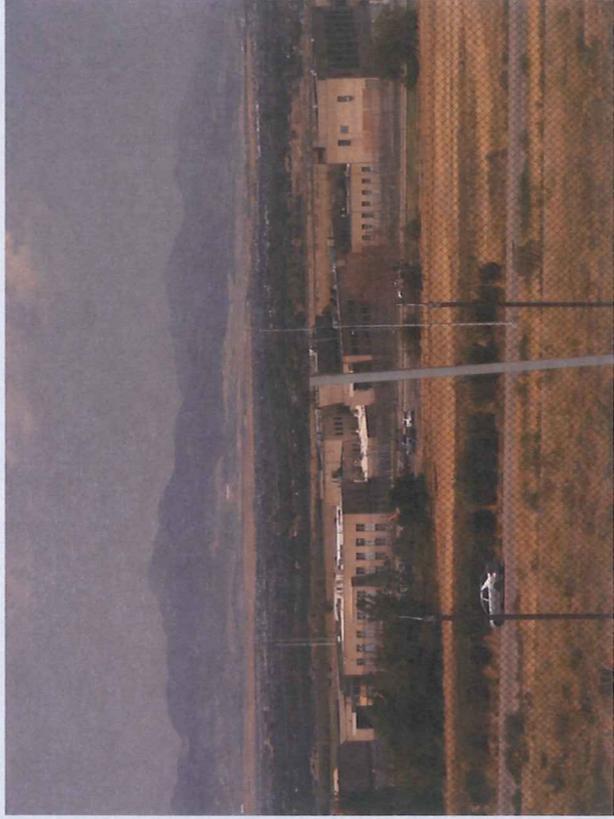
Enacted by Chapter 263, 2006 General Session

Prison Relocation



Draper Prison

- 111 Buildings
- 690 Acres
- Draper is the 'Belly Button' of Wasatch Front
- **RFI**



Efficiency

- **Employee to Prisoner Ratio**
 - Draper 1:2.9
 - Gunnison 1:3.4
- **Guard to Prisoner Ratio**
 - Draper 1:10
 - Gunnison 1:14
- **This is a savings 315 Employees, \$17 to \$20m/year**

Prison Land Management Authority



Programming

Prison
Relocation

Land
Planning

Tools



- Operational Savings (17-20m/year)
- CDA
 - Property –
 - Sales Tax –
- Land Sale
 - Raw \$70-90m
 - Entitled \$120-140m
- Deferred Maintenance
 - ????
- County Jails/Contracting

New Prison

- Cost of New Prison
 - \$550-\$600 Million (Est.)
 - 300-Acres (Est.)



PROGRAMMING

- Reduce Recidivism
- Access to Support Services
 - Courts
 - Medical
 - Volunteers 1,500 Volunteers
- Corrections Employees
 - 1900 in Draper
 - Employee turnover
 - Phased implementation

STEPS



- RFP's (DFCM)
- Board- Recommendation
- Legislature (up or down vote)
- Governor
- Award Contracts

- *Fiscal Note 1.750m*

FINANCE OPTIONS

- Developer Money 3.5% *another point higher by end of 2014*
- Revenue Bonds 2-2.5 %
- Community Bonds 1.5-2 %
- GO Bonds .75 %
- *Private*

Summary

- **Economic Development Opportunity**
 - 30,000+ jobs
 - Draper Master Plan
 - Potential positive impact other areas of state
- **New Prison Facility**
 - Recidivism
 - Cost Savings
 - Medical / other needs