

**R356. Governor, Criminal and Juvenile Justice (State Commission on).**

**R356-7. Appointing a Designee, Representative, or Proxy.**

**R356-7-1. Authority.**

This rule is authorized by Subsection 52-4-207(2)(a) regarding electronic meetings and Section 63G-3-201 which requires an agency to make rules in certain circumstances.

**R356-7-2. Purpose.**

The purpose of this rule is to establish procedures for appointing a designee, representative, or proxy to serve on a public body established in:

- (1) Section 36-29-111;
- (2) Title 63M, Chapter 7, Criminal Justice and Substance Abuse;
- (3) Section 64-13e-105;
- (4) Section 77-37-5;
- (5) Section 78A-10a-302;
- (6) Section 78A-10a-402;
- (7) Section 78A-12-201; and
- (8) Section 78B-22-401.

**R356-7-3. Definitions.**

- (1) Terms used in this rule are defined in Section 52-4-103.
- (2) In addition:
  - (a) "designee" means an individual appointed by a member to represent the member when the member cannot appear at meetings of a public body;
  - (b) "electronically" means to attend a meeting through the use of:
    - (i) an online medium that allows for audio and video interactions; or
    - (ii) a telecommunications medium that allows for audio interactions;
  - (c) "member" means an individual designated by statute to serve on a public body;
  - (d) "representative" means an individual appointed by an entity to represent that entity on a public body;
  - (e) "proxy" means an individual who is appointed by a member to appear in person on the member's behalf at a specific meeting of a public body; and
- (f)(i) "staff" means an individual who is responsible for ensuring that a public body complies with the requirements of Title 52, Chapter 4, the Open and Public Meetings Act; and
  - (ii) "staff" includes the director of a public body or a staff member assigned to assist with the administrative duties of the public body.

**R356-7-4. Appointing a designee.**

- (1) If a statute creating a public body allows a member to appoint a designee, the member may appoint a designee to represent the member when the member cannot appear at meetings by sending an email to the staff.
  - (2) The email shall state the name and title of the member's designee.
  - (3) After an individual has been appointed as a member's designee, the designee:
    - (a) may attend a meeting in person or electronically;
    - (b) shall be counted as a member for purposes of determining a quorum;
    - (c) may participate in a meeting as any other member; and
    - (d) may vote their conscience on matters before the public body.

- (4) Once a designee has been appointed, the designee may continue to represent the member at meetings until the member notifies the staff, in writing, that:
  - (a) the member has appointed a new designee; or
  - (b) the individual previously appointed may no longer represent the member at meetings.
- (5) If the member and their designee both appear at a meeting, only the member may vote on a matter.
- (6) A designee may not appoint a designee or proxy to appear on their behalf at a meeting.

#### **R356-7-5. Appointing a representative.**

- (1) If a statute creating a public body allows an entity to appoint a representative to serve on a public body, the entity may appoint their representative by having the head of the entity send an email to the staff.
- (2) The email shall state the name and title of the representative of the entity.
- (3) The entity's representative:
  - (a) may attend a meeting either in person or electronically;
  - (b) shall be counted as a member for purposes of determining a quorum;
  - (c) may participate in a meeting as any other member; and
  - (d) may vote their conscience on matters before the public body.
- (4) Once a representative of an entity has been appointed, the representative shall continue to represent the entity until the head of the entity notifies the staff, in writing, that:
  - (a) the entity has appointed a new representative; or
  - (b) the individual previously appointed may no longer represent the entity at meetings.

#### **R356-7-6. Appointing a proxy.**

- (1) A member or representative of an entity may appoint a proxy to appear at a specific meeting on their behalf by sending an email to the staff.
- (2) The email shall:
  - (a) be sent before the meeting; and
  - (b) contain the name and title of the proxy who will stand in for the member or representative at the meeting.
- (3) The proxy shall attend the meeting in person and may not attend electronically.
- (4) Once an individual has been appointed as a proxy for a member or representative, the proxy:
  - (a) shall be counted as a member for purposes of determining a quorum;
  - (b) may participate in the meeting as any other member; and
  - (c) may only vote on matters before the public body as directed by the member or the representative and may not vote their conscience.
- (5) A proxy shall have no authority to act on behalf of the member or representative after the meeting under Subsection (1) has concluded.

#### **R356-7-7. Failure to comply.**

An individual who appears at a meeting and represents themselves to be a designee of a member, a representative of an entity, or a proxy for a member or representative may not be counted for purposes of determining a quorum and may not vote on matters unless the requirements of this rule have been met.

**KEY: Public bodies, designees, representatives, proxies**

**Date of Last Change: 2023**

**Authorizing, and Implemented or Interpreted Law: Title 52, Chapter 4**