April 28, 2009

**Public Notices on the Web**
An Example of e-Government Practices  
by Megan Crowley, CPPA

In our in-depth report of e-Government, we talk about technology-assisted government services. One of these services is the posting of public notices on a Utah State Division of Archives website located at [pmn.utah.gov](http://www.imakenews.com/cppa/e_article001418217.cfm?x=b11,0,w). This website is a “one-stop-shop” for public meeting notices, public bond hearing notices, from Utah government entities with a budget of $1 million or more and certain public notices for general plans, long-range plans, and capital facilities plans.

**Public Notice History**
The history of public notice begins long before the emergence of newspapers. The concept has existed since early civilizations posted notices in public squares. This crude method was eventually refined with the publication of the first English language newspaper in 1665 – a court newspaper called The Oxford Gazette.

In America, the Acts of the First Session of the First Congress in 1789 required that all bills, orders, resolutions and congressional votes be published in at least three publicly available newspapers. Upholding the public’s right to know has been essential to our country’s way of life since day one. Our government governs with the consent of people, and this consent must be informed. [1]

**Recent and Current Public Noticing**
In the 2007 General Session, the Utah State Legislature passed HB 222 Open and Public Meetings - Electronic Notice. HB 222 authorized the creation of the Utah Public Notice Website to assist the public to find, search, and subscribe to posted public notices of any public body in the state. Beginning April 1, 2008, a notice of a public meeting must be posted on the Utah Public Notice Website, with exceptions for municipalities and service districts that have an annual budget of less than $1 million.[2]

The 2009 Utah legislative session featured two new bills related to public notices.

HB 323, sponsored by Representative Bradley A. Winn and Senator Sheldon L. Killpack, was signed into law by Governor Huntsman on March 24. This bill modifies the notice that certain entities are required to provide before preparing a proposed general plan or amendment, long-range plan, or capital facilities plan:

- some entities are required to provide notice on the Utah Public Notice Website rather than to the state planning coordinator; and
- those entities not required to provide notice on the Utah Public Notice Website but that voluntarily provide notice on that website need not provide notice to the state planning coordinator.

SB208, sponsored by Senator Stephen H. Urquhart and Representative Kevin S. Garn, amends provisions to include posting legal notices.

The third substitute of the bill passed in this years’ legislative session and includes the following on legal notice publication:

- beginning on January 1, 2010, required to notice in a newspaper and on a web site established by the collective efforts of Utah's newspapers.
- for counties of the first and second class, beginning on January 1, 2012, required to publish legal notices on a web site established by the collective efforts of Utah's newspapers.

**Response to Realities**
The move to using technologies to make public notice announcements is in line with our changing times, much as the requirement to move notices to newspapers that occurred back in 1789. The realities that are associated with this move include:

- more people are using technologies for most communications
the public expects to find needed information online
many newspapers are reacting to the growth of new technologies with a greater emphasis on web based delivery
those newspapers who remain solely print-based are struggling financially, resulting in many long-term print publications dying out

Added Value
The ability to access public notices on the web also offers some great additional capabilities. When only newspapers were used for noticing, you had to get the paper and look for the notice. Now, you can subscribe for notice alerts via email, RSS feeds or iCalendar and automatically receive the information without going to look for it.

The website gives you the ability to search for notices based on specific information, such as date and city, or you can browse by narrowing selection options from lists, which is much easier than determining which newspaper to look for what notice and then obtaining the right paper to peruse for the right public notice.

Gains and Losses
Many worry about the “digital divide” and some population groups do not have access to the web. However, Utah’s adoption rates for Internet use are high. In Utah’s urban areas, 68.8% of households have some type of Internet access at home (dial-up or broadband). This is slightly higher for rural areas where 72.6% of households have internet access at home. Figures for households who have Internet access anywhere (this includes work or mobile devices) are 82.2% in urban areas and 81.1% in rural areas. This is an exceptionally high adoption rate compared with other states.[3]

There may be some perception that our seniors who are active in public meetings would not participate should public notices move to the web entirely. While this may or not be true, offering public notices on the web has the potential to increase the involvement of our younger citizens. Much like the historical change to newspapers, the change to new technologies for public notices is imminent as our population, government and communication tools evolve.


[2] Utah State Archives Newsletter August 2007 Volume 3 No. 1


Thanks to Tiffany B. O'Sheal, Utah Public Meeting Notice Website Administrator, Division of Archives, for providing information.