

2 The Lindon City Council and Lindon City Planning Commission held a Joint Work  
Session on **Tuesday, May 13, 2014 at 6:00 p.m.** in the Lindon City Center, City Council  
Chambers, 100 North State Street, Lindon, Utah.

4 **WORK SESSION** – 6:00 P.M.

6 Conducting: Adam Cowie, City Administrator

8 **PRESENT**

**ABSENT**

10 Matt Bean, Councilmember  
Randi Powell, Councilmember  
12 Van Broderick, Councilmember  
Jacob Hoyt, Councilmember  
14 Carolyn Lundberg, Councilmember  
Sharon Call, Chairperson  
16 Ron Anderson, Commissioner  
Del Ray Gunnell, Commissioner  
18 Mike Marchbanks, Commissioner  
Rob Kallas, Commissioner  
20 Bob Wily, Commissioner  
Jeff Wilson, Board Of Adjustment  
22 Glenn Mitchell, Board Of Adjustment

Jeff Acerson, Mayor

24 **Staff Present**

Adam Cowie, City Administrator  
26 Hugh Van Wagenen, Planning Director  
Jordan Cullimore, Associate Planner  
28 Brian Haws, City Attorney  
Kathy Moosman, City Recorder

30 **1. Call to Order** – The meeting was called to order at 6:05 p.m.

32 **Discussion Item:** Lindon City Attorney, Brian Haws, will give training to the City  
34 Council and Planning Commission regarding Open Public Meetings and email  
communications between elected and appointed City officials.

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38 Brian Haws, City Attorney, was in attendance to present training on the open  
meetings law which is required yearly by state law. Mr. Haws opened the discussion by  
40 stating the job of government is to do the public's work and to involve the public as much  
as possible; basically the purpose is to do the peoples work and also to promote  
transparency and accountability which is the underlying principle.

42 Mr. Haws stated that a quorum consists of a simple majority of whatever the body  
is. He noted the open meeting law applies bodies that consist of more than two people  
44 that are appointed and have the authority to act on behalf of the public and also have  
authority to use public funds or be supported by public funds i.e., (City Council, Planning

Commission, Tree Board, etc. but does not include committees). This does not apply to social meetings or chance meetings.

Mr. Haws stated that closed meetings are closed for very specific reasons as follows:

1. Discuss the character, professional competence, or physical or mental health of an individual.
2. Hold a strategy session to discuss collective bargaining.
3. Hold a strategy session to discuss pending or imminent litigation.
4. Hold a strategy session to discuss the purchase, exchange or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property.
5. Discuss deployment of security personnel, devices, or systems.
6. Hold investigative proceedings regarding allegations of criminal misconduct.

Mr. Haws explained that open meetings have to be posted and opened by a majority of the body, and in a closed session no action can be taken. He further explained that closed meetings need to be recorded and have minutes, except when the reason is for the competency of an individual. He noted, generally speaking, it is prudent to try and limit closed meetings as much as possible.

Mr. Haws then referenced GRAMA laws stating that all documents generated are deemed to be public records unless they contain confidential information of an individual; other documents that are classified fall within that category which is part of transparency and openness. Mr. Haws reminded the Council that when creating a document it can be classified as a public record.

Mr. Haws then mentioned that public access to emails is important to note. He stated that electronic communication regarding public business are public records that can be requested through a GRAMA request and needs to be provided and to be aware of that. He added that whether private or public, to try to use the devices (tablets etc.) that have been provided by the city and to keep public and private correspondence separate.

Mr. Haws stated that in 2011 the Utah Legislature, by Utah Statute, states those email communications (texts etc.) are not prohibited and not in violation of the open meetings act. He also noted to keep in mind that it may become a public record. He then referenced the following informational bullet points:

- Email created on city computers or using a city email account is public as well as its Meta Data.
- Research gathered on city computers is public.
- City related material created on private computers may be subject to GRAMA laws.

Mr. Haws then discussed the general rules of procedure and order. He noted the Legislature amended the State Statute and it is clear that the majority of the body must vote in order to pass a resolution or ordinance by a roll call vote; each member votes yes or no, of which the vote is recorded. He then referenced the following informational bullet points:

- The agenda guides the meeting.

- 2 • Items may only be placed on the agenda by the Mayor or two members of the City Council.
- 4 • Items not noticed on the agenda may come up for discussion but no final action can be taken on any matter not on the agenda.

6 Mr. Haws stated that the Mayor or Mayor Pro Tem guides the meeting, discussion and motions and regulates the proper order of the meeting. He noted that it is very  
8 important to treat each other with respect at all times during the meeting and in a civil and courteous manner to each other and also to the public.

10 Mr. Haws then discussed abstaining and how it works in a meeting. He noted you can abstain for any reason you want to and you do not have to articulate the reason why.  
12 If there is a conflict that is business or personal related, the law does require that you declare the conflict but it does require that you recuse yourself; you can participate if you  
14 so choose. However, Mr. Haws stated that he strongly advises not to participate, as anything you say can link you to the decision made. Mr. Haws stated that perception is  
16 reality in this context and he would advise to error on the side of pulling away from being involved in the meeting if there is a conflict. He re-iterated that the law states you do not  
18 have to give a reason or articulate to step down, but if you choose to participate, and you do have a conflict, the law requires you to articulate and give the reason why.

20 Mr. Haws noted that a meeting may be closed by a 2/3 quorum vote and the reason for closing the meeting must be publically announced; the closed meeting must  
22 also be held in the same place as the regular noticed meeting. There was then some general discussion following Mr. Haws' presentation.

24 Mayor Acerson called for any further comments or discussion from the Council or Commission. Hearing none he adjourned the meeting.

26 **Adjourn** – The meeting was adjourned at 6:35

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Kathryn Moosman, City Recorder

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Jeff Acerson, Mayor

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Sharon Call, Chairperson