UINTAH CITY

2191 East 6550 South – Uintah, Utah 84405 (801) 479-4130 Fax: (801) 476-7269 Office Hours M-W 9:00-5:00 Th-F 9:00-1:00

Mayor Gordon Cutler
Council Members:
Michelle Roberts Kristi Bell
Jerry Smith Greg Johnson

UINTAH CITY COUNCIL WORK SESSION
TUESDAY, November 27th, 2018
6:00 PM
MINUTES

Planning – Tim Petty
Building Inspector-Jeff Monroe
Treasurer – Mike Ulrich
Sheriff – Lt. Pledger
Fire Chief – Marc A. Sacco

Attendees: Mayor Cutler, Michelle Roberts, Jerry Smith, Kristi Bell, Greg Johnson, Jeff Holden, Glen Woolsey, Robert Guiller, Tina Germany, Dave Wilson and Darinda Wallis.
Excused: Tim Petty, Scott Dixon and Todd Burton

MEETING MINUTES:

1. **MEETING CALL TO ORDER:** Mayor Cutler called the meeting to order.
   PLEDGE OF ALLEGIANCE: Led by Darinda Wallis
2. **ANNUAL TRAINING ON OPEN AND PUBLIC MEETINGS:**
   Presenter: Dave Wilson
   - Dave explained that we should do the public's business in public.
   - Purpose of the Act:
     - "The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business."
     - "It is the intent of the Legislature that the state, its agencies, and its political subdivisions: 1) take their actions openly; and 2) conduct their deliberations openly."
   - How is the Act construed by the Courts:
     - "The Open and Public Meetings Act should be interpreted broadly to further the declared statutory purpose of openness; therefore, it follows that the exceptions to open meetings be strictly construed." *Kearns-Tribune Corp. v. Salt Lake County Commission*, 2001 UT 55, 28 P.3d 686.
   - Pop Quiz:
     - During the Board meeting, you remember that you wanted to discuss a new idea that you had, but you forgot to put it on the agenda. Can you address the idea with the board today and just hold off on any action until next month?
     - NO - A public body shall give at least 24 hours' notice before each meeting.
     - The notice needs to contain the date, time, place of the meeting and the agenda for the meeting.
     - Each topic to be discussed at the meeting "shall be listed under an agenda item on the meeting agenda."
   - Pop Quiz:
     - A member of the public comes to the Board Meeting and asks the Board to consider providing an informational booth at a convention later that month. Can the Board discuss the idea in the meeting even though it isn't on the agenda?
     - YES - "[A]t 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."
     - **However**, a public body <u>may not</u> take final action on a topic in an open meeting unless it is a properly noticed agenda item.
   - Pop Quiz:
     - An issue came up with the audit that needs to be resolved immediately. You learned about it after the agenda has already been sent out. Can you still discuss the issue in the Board meeting?
     - YES - Public notice is not required in case of an emergency
     - The public body must give "the best notice practicable" of the time, place, date, and issue to be discussed.
   - Pop Quiz:
     - Can a category for "other" be included on the agenda as a catch all for issues that may have been forgotten?
     - NO - "A public notice that is required to include an agenda . . . shall provide <u>reasonable specificity</u> to notify the public as to the topics to be considered at the meeting.
   - Pop Quiz:
     - You want to openly discuss your feelings about employee benefits, but you don't want the public (the employees) to know what you have to say. Can you close the meeting?
     - POSSIBLY - Some reasons why a meeting <u>may</u> be closed include:

- Discussion of the character, professional competence, or physical or mental health of an individual;
- Strategy session to discuss collective bargaining;
- Strategy sessions to discuss pending or reasonably imminent litigation;
- Strategy session to discuss the purchase, exchange, lease, or sale of real property ... if public discussion would:
  - Disclose the appraisal or estimated value of the property under consideration; or
  - Prevent the public body from completing the transaction on the best possible terms.

- Pop Quiz:
  - Some reasons why a meeting may be closed include:
  - Discussion of the character, professional competence, or physical or mental health of an individual;
  - Strategy session to discuss collective bargaining;
  - Strategy sessions to discuss pending or reasonably imminent litigation;
  - Strategy session to discuss the purchase, exchange, lease, or sale of real property ... if public discussion would:
  - Disclose the appraisal or estimated value of the property under consideration; or
  - Prevent the public body from completing the transaction on the best possible terms.
  - YES - 52-4-210 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.
  - However, the email will still be subject to disclosure under GRAMA.
  - Also, depending on the content of the email, it could violate the intent of the law.
  - "The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business."
  - "It is the intent of the Legislature that the state, its agencies, and its political subdivisions: 1) take their actions openly; and 2) conduct their deliberations openly."
- Pop Quiz:
  - Can you turn off the recording device during a closed meeting?
  - No - Shall make a recording
  - May keep detailed written minutes
  - The recording, and any minutes, shall include:
    - Date, time, and place;
    - The names of all members present and absent;
    - The names of all others present, except where disclosure would infringe on the; confidentiality necessary for the purpose of the closed meeting.
    - A sworn statement affirming the purpose of the meeting.
- Pop Quiz:
  - I won't get in trouble for violating the Open and Public Meetings Act, right?
  - WRONG - Subject to a few limited exceptions, any final action found to be in violation of the Act is voidable by a court.
  - The court may award attorney's fees and court costs to a successful plaintiff who challenges the board's action.
  - Action challenging a closed meeting:
    - The court will review the record *in camera* to decide the legality of the closed meeting. If there is a violation, the judge will order the information to be disclosed publicly.
    - It is a class B misdemeanor to knowingly or intentionally violate closed meeting provisions.
- Dave concluded by thanking the Council for their time and for him employment. Dave has great admiration for the City Council and Planning Commission members and thanked them for their service to their community.

3. **MEETING ADJOURNMENT:** (00:35:34)

Michelle Roberts motioned to adjourn the meeting.
Seconded by Kristi Bell
All in favor; the motion passed. The meeting was adjourned.

APPROVED by City Council this 4th, day of December, 2018.

Darinda K. Wallis DARINDA K. WALLIS, City Recorder