

Planning Commission Chair:	Robert Guiller
Commissioners:	Jon Arends Scott Dixon Glen Woolsey Brent Stuart Cheryl White
Secretary:	Cheryl White
City Council Representative:	Greg Johnson

**UINTAH CITY**  
**PLANNING COMMISSION**  
**WORK SESSION**  
Tuesday, April 23, 2019  
6:00 PM



2191 East 6550 South – Uintah, Utah 84405

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## Work Session Meeting Minutes

Attendees: Glen Woolsey, Brent Stuart, Debra Wickizer, Jon Arends, Cheryl White, Darinda Wallis, Daniel Combe, Gordon Cutler

**Meeting Called to Order:** Glen Woolsey called the meeting to order

**Roll Call:** Present – Glen Woolsey, Brent Stuart, Debra Wickizer, Jon Arends; Excused – Scott Dixon

**Declaration of Conflicts of Interest:** Commission members are required by law to file a public disclosure statement with the Secretary listing business interests and investments that could create a conflict of interest with the duties of the Commission Member. When a matter in which a Commission member has a business or investment interest appears on the agenda, the Commission member must publicly disclose that interest. Glen Woolsey asked the Commission if they had any conflicts of interest with tonight's agenda; there were none.

### Agenda Items:

#### 1. Training on policy and procedures

**Presenter: Darinda Wallis** (recording 4:30)

##### A. Planning Commission Rules and Procedures

- The state mandated that all public bodies adopt rules of order. The Uintah Planning Commission updated their rules of order in January 2019. Darinda went over the rules that were adopted by the Commission:
  - Rules of order must be posted at every public meeting
  - Regular attendance at meetings is required
  - Chairperson, Vice-chair and Chair Pro-tem are elected
  - Minutes must be taken at every meeting
  - Agenda requests must be made by a Commission member when they are ready to address the topic. Private citizens must contact a Commission member to request being on the agenda
  - Motions and votes must be taken in public. A second to the motion and a 2/3 majority is always required to pass.
  - Public comments are a time for citizens to speak. Each citizens has 2 minutes. It is not a question and answer period. Commission members can respond at the end of the meeting.
  - Public hearings are different from public comments. Must close Planning Commission meeting to open a Public Hearing. Citizens are not given a time limit. It is not a question and answer period.

##### B. Open and Public Meetings (recording 19:25)

- Darinda 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 may not 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 reasonable specificity 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 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.

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  - 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.

**C. Uintah City General Plan** (recording 47:00)

- General Plan is a living document that allows for changing just one section at a time.
- If it's not in the plan, we shouldn't be doing it
- Planning Commission makes recommendations to the City Council

**D. Discussion**

- Debra stated that the Planning Commission must abide by the plan and if we overlook something that should be in the plan, it leaves the city in an adverse situation.
- Jon asked if there was an internal audit on the Planning Commission. He was told that each member is responsible to ensure their own department meets all requirements.

**2. Meeting Adjourned**

- Jon motioned to close the meeting. Seconded by Debra Wickizer. All in favor, motion passed

APPROVED by the Planning Commission this 28 day of May, ~~2018~~ 2019



Planning Commission Chair