

HIGHLAND CITY OPEN MEETINGS TRAINING

July 19, 2016

1. Purpose

- a. To conduct the people's business with *transparency*. Actions must be taken *openly*. Deliberations must be conducted *openly*. §52-4-102.

2. Who must comply?

- a. Any "administrative, advisory, executive, or legislative body of the state or its political subdivisions that...is vested with the authority to make decisions regarding the public's business." §52-4-103(9).
- b. Examples
 - i. City Council
 - ii. City Council Advisory Boards or Commissions
 - iii. Planning and Zoning
 - iv. Appeal Authority
 - v. Project Committees

3. Open Meetings

All "meetings" must be open to the public unless specifically allowed to be closed under the Act.

What is a "meeting"? §52-4-103(6)

- a. The convening of a public body, with a quorum present,
- b. whether the meeting is held in person or by means of electronic communications,
- c. for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body has jurisdiction or advisory power.
- d. An exception: It is not a meeting when a public body with both legislative and executive responsibilities convenes to implement administrative or operational matters, and no public funds are appropriated.
- e. A meeting does not include a chance gathering or social gathering.

4. Electronic Meetings

- a. A public meeting convened or conducted by means of a conference using electronic communications
- b. Nothing restricts a member of a public body from transmitting an electronic message to other members of the public body at a time when the body is not convened in an open meeting. §52-4-210.

5. Public Notice of Meetings

- a. Public body must give notice. §52-4-202

- i. Not less than 24 hours notice of each meeting (unless a longer time period is prescribed by statute or ordinance).
 - ii. Must also give notice of annual meetings scheduled in advance over the course of a year
 - b. Public notices must include the following:
 - i. Agenda for the meeting
 - ii. Date, time and place for the meeting
 - c. Public notice shall be satisfied by:
 - i. Posting written notice
 - ii. At the principal office or the building where the meeting will be held; and
 - iii. On the Utah Public Notice Website
 - iv. In at least one newspaper of general circulation within the geographic jurisdiction of the public body or to a local media correspondent
 - d. Agenda
 - i. The public notice must provide reasonable specificity to notify the public as to the topics to be considered at the meeting
 - ii. A topic raised by the public may be discussed during an open meeting, even if not included on the agenda
 - iii. However, except for emergency meetings, the public body may not take final action on a topic not listed on the agenda

6. Meeting Minutes and Recordings

Public body must keep written minutes and a recording. §52-4-203

- i. Written minutes shall include:
 - 1. The names of members present and absent
 - 2. The substance of all matters proposed, discussed, or decided by the body which may include a summary of comments made by members of the public body
 - 3. a record, by individual member, of each vote taken by the public body
 - 4. the name of each person who is not a member of the public body who provided invited testimony or comments to the public body
 - 5. the substance, in brief, of the testimony or comments provided above
 - 6. any other information that any member requests be entered in the minutes
- ii. a recording of an open meeting shall be a complete and unedited record of all open portions of the meeting from the commencement of the meeting through adjournment

7. Closed Meetings

- a. A closed meeting may only be held:
 - i. To discuss the character, professional competence, or physical or mental health of an individual
 - ii. Strategy sessions for:
 - 1. collective bargaining
 - 2. pending or reasonably imminent litigation
 - 3. purchase, exchange, or lease of real property or water rights/shares
 - 4. sale of real property or water rights/shares
 - iii. To discuss the deployment of security personnel, devices, or systems
 - iv. To investigate proceedings regarding allegations of criminal conduct
- b. May not take final action (votes must be open and on the record) or interview a person to fill an elected position

8. How to close a meeting?

- a. The body must first hold a public meeting with proper notice
- b. A quorum must be present
- c. 2/3 vote of the body must vote to close the meeting
- d. The body must disclose:
 - i. The reasons for holding the closed meeting
 - ii. The location of the closed meeting

ETHICS/CONFLICT OF INTEREST

9. Disclosure

- a. Must give disclosures for:
 - i. Agreements to receive compensation to assist someone in transaction with city.
 - ii. Interest in business regulated by municipality.
 - iii. Interest in business entity doing business with municipality.
 - iv. Any personal interest or investment that would create a conflict between personal interest and public duties.
- b. When to disclose:
 - i. Business Regulated by City:
 - 1. When first appointed, elected, or employed by City

2. Any time position in the business entity has changed significantly or if the value of interest has increased significantly since last disclosure
 3. Disclosure is not required if the value of interest does not exceed \$2,000
 - ii. Doing Business with City:
 1. Immediately prior to any discussion concerning matters related to the business entity or impacting the business entity
- c. How to disclose:
 - i. Business regulated by City:
 1. Sworn statement filed with the mayor
 2. The mayor will report the substance of the disclosure to the members of the governing body
 - ii. Doing Business with the City:
 1. Disclosure on the record, recorded in the minutes of the meeting

10. Gifts

- a. Must not use office for economic benefit (including loans at better rates or compensation at higher rates for services rendered)
- b. Must not use private or protected information obtained to further economic interest
- c. Must not accept gifts except occasional non-pecuniary gift having value of less than \$50.00