

URMMA TRAINING – 2016

**SEXUAL HARASSMENT,
CONFLICTS OF INTEREST
AND OPEN MEETINGS**

Sexual Harassment

2 TYPES:

QUID PRO QUO

- ⦿ Something for something.
- ⦿ Requests for sexual favors.
- ⦿ Harassment results in an adverse employment decision for victim.

HOSTILE WORK ENVIRONMENT – HARASSING A PERSON BECAUSE OF THAT PERSON’S SEX

- ⦿ Unwelcome advances.
- ⦿ Verbal or physical harassment of a sexual nature.
- ⦿ But, it doesn’t have to be sexual in nature – comments about a person’s sex.
- ⦿ Jokes, gestures, touching, comments frequent and severe enough so that it creates a hostile or offensive work environment.

Layton City has a zero tolerance policy. Report harassment (even if you are not the victim) to supervisors, personnel, City Attorneys, Department Heads, City Manager.



Conflicts of Interest

Conflicts of Interest

WHAT HAT
ARE YOU
WEARING?



When wearing government officer or employee hat:

⦿ DON'T

- Disclose or use private or protected information to secure a special privilege or \$ for you or others.
- Use your official position to further your or another's \$ or secure a special privilege.
- Accept employment that will impair your independence of judgment or ethical performance of your public duties.
- Take any economic benefit tantamount to a gift. (Directly or indirectly.)
- Take anything of value in order to obtain an approval, permit etc. for someone.

When wearing government officer or employee hat:

● DO

- File a statement when:
 - You are receiving compensation for assisting in a transaction with the City.
 - You have a substantial interest (\$2,000 plus) in a business regulated by the City.
 - You transact business with the City and you have an interest in the business involved in the transaction. (Must also declare it in a public meeting.)

Conflicts of Interest



**AVOID THE VERY
APPEARANCE
OF A CONFLICT.**

Consider the hats we wear in our leadership and management roles.

Peter Drucker differentiated the two as –
**“Management is doing things right;
leadership is doing the right things.”**

We face a seemingly unending list of considerations in choosing which of those two hats is more appropriate.

OPEN MEETINGS

RULE

The public's business should be done in public.



PUBLIC POLICY

- ⦿ GOVERNMENT EXISTS TO AID IN THE CONDUCT OF THE PEOPLE'S BUSINESS.
- ⦿ INTENT OF THE ACT:
 - Take actions in the open; and
 - Conduct deliberations openly.

Who Is Subject To It?

- City Council and Mayor
- Planning Commission
- Board of Adjustment

Any administrative, advisory, executive or legislative body (2 or more persons) that:

Spends public funds; and
Decides public business.

What Is a Meeting?

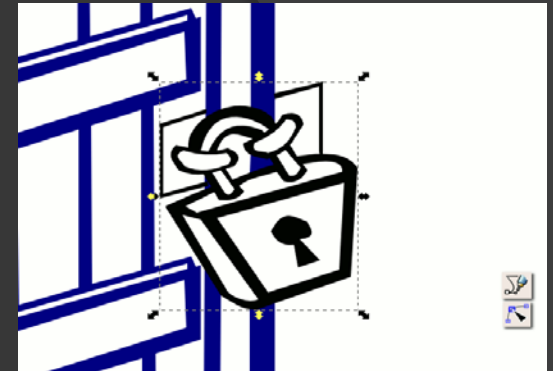
- When a quorum is present – includes workshops and executive sessions whether in person or by electronics.
- For discussion, receiving information from the public or acting on a public matter.
- Meetings may also be by text, email, phone, or smoke signal.



A Meeting Is Not -

- ⦿ A chance meeting.
- ⦿ A social meeting.
- ⦿ Meeting of the City Council where:
 - No public funds are appropriated; and
 - Solely for discussing or implementing administrative/operational matters.

Closed Meeting



- May be held to discuss (**NOT** make a decision) on:
 - An individual's character, professional competence, or physical or mental health.
 - Strategy sessions to discuss the purchase, exchange, lease or sale of real property including water rights, shares etc.
 - Strategy session for pending or reasonably imminent litigation.

There are **NO** City meetings that **MUST** be closed.

Planning Commission cannot close meetings.

Penalties

- ⦿ Decisions made are void.
- ⦿ If knowingly done – violators and those who help them go to jail (Class B Misdemeanor – 6 month jail and up to \$2500 fine).
- ⦿ Attorneys fees may be granted by Judge.



Process for Closing a Meeting

- ⦿ A quorum must be present.
- ⦿ 2/3 vote of the quorum is required.
- ⦿ Must go from a public meeting into a closed meeting and then back out to a public meeting.
- ⦿ The body must vote by name, the motion must state the reason, and the location must be identified.

What is Forbidden?

- ⦿ **Can't** approve anything.
- ⦿ **Can't** interview anyone.
- ⦿ **Can't** take any final action.
- ⦿ **Can't** disclose outside what was talked about inside – minutes are “protected” documents.



Emergency Meeting

- ⦿ 24 hours in advance or as otherwise dictated by ordinance or state law.
- ⦿ Emergency – best notice practicable – state reason on the record.



Records

- Written minutes and recording must be made and kept.
- Written approved minutes are the official minutes.
- Recordings must be kept and must be available within 3 days of the meeting.
- Closed meeting minutes – all except personnel and security which require an affidavit.
- Public can do their own recording.

QUESTIONS?