



## APPROVED MINUTES

SUMMIT COUNTY SERVICE AREA #3 BOARD OF TRUSTEES  
TRAINING WORKSHOP AGENDA  
SUMMIT COUNTY SERVICE AREA #3 CONFERENCE ROOM,  
629 PARKWAY DR., PARK CITY, UT  
THURSDAY, JANUARY 15, 2026

Meeting also conducted via Google Meet.

1. **Welcome (5:14pm)**

- a. Welcome called to order by Vince Pao Borjigin, Acting General Manager
- b. Roll Call & Conflict of Interest Disclosure

**Board Members:**

Scott Witkin, Chair  
Jon "Otto" Blum, Treasurer  
Karri Taix, Clerk  
Derek Price  
David Olson  
Caroline Gleich  
Justin Shea

**Staff & Contractors:**

Vince Pao-Borjigin, Acting GM  
Jody Anagnos, Office Manager & Notary  
Chris Bullock, Road & Water Manager  
Nathan Bracken, legal counsel

Guest Presenters: LeGrand Bitter and Heather Anderson, Utah Association of Special Districts

2. **Swearing in of new Trustees** - Oath of Office for Derek Price, Justin Shea and Caroline Gleich. Notarized by Jody Anagnos.

3. **Annual Conflict of Interest Disclosure and Ethical Behavior Pledge** - Nathan Bracken outlined the requirement for trustees and staff to sign annual conflict of interest disclosures and ethical behavior pledges, highlighting new state law requirements for elected officials. Jody provided hard copies to be signed and filed annually for each Board member. It was noted that staff completes the same forms every year.

4. **Board Training** -

- a. Introduction and History of Service Area - Nathan Bracken  
Nathan Bracken, the service area's legal counsel, spoke about the service area's unique government status, water system complexities, challenges over water allotments, and issues with road operation and maintenance due to encroachments and the lack of impact fees. Nathan addressed the board on rules of order and procedure, the election

of officers, the code of conduct, and recommended consolidating disparate rules into a unified service area code to standardize operations, reduce conflict, and ensure transparency through adherence to Open and Public Meetings Act requirements regarding meetings, agendas, notice, and public comment. Nathan Bracken highlighted that unlike a city or county, the district can only perform the duties for which it was created. They noted that the service area being a government entity is unique and sometimes confusing to people who expect it to act like a flexible, private HOA.

See below: Nathan Bracken's Presentation

- b. Special District Board Training - Heather Anderson, Utah Association of Special Districts Open and Public Meeting Act - The training session is intended to cover the annual board member training requirements, excluding the one mandated by the state auditor's office. Nathan emphasized that the state auditor's training should be completed every calendar year, ideally in January, and it is the chair's responsibility to ensure all members complete it. Nathan recommended attending the annual UASD conference, typically held in November, as it covers various training aspects and reduces the need for the attorney to explain basic information.

See below: Heather Anderson's Presentation

- b. Board Governance and Best Practices - LeGrand Bitter, Utah Association of Special Districts.  
LeGrand spoke about Board ethics including transparency, Board governance, and disclosure of conflict of interests. Conflict of interest disclosures are designed to protect you. If you think you may have a conflict, disclose it. Ethics violations, there is a difference in how you conduct private business vs government service. LeGrand recommended all employees review the Best Practices Handbook and the resources on the Utah State Legislature website.

Link: [Best Practices Handbook](#)

Link: State Auditor's Office: [transparent.utah.gov](http://transparent.utah.gov)

See below: LeGrand Bitter's Presentation

## **8. Adjournment (8:16pm)**

**Next meeting is January 20, 2026 at Sheldon Richins Auditorium**

Online participant: Kim Carson



# **SCSA3 BOARD MEMBER TRAINING:**

## **What makes SCSA3 Unique**



**Nathan S. Bracken**  
January 15, 2026

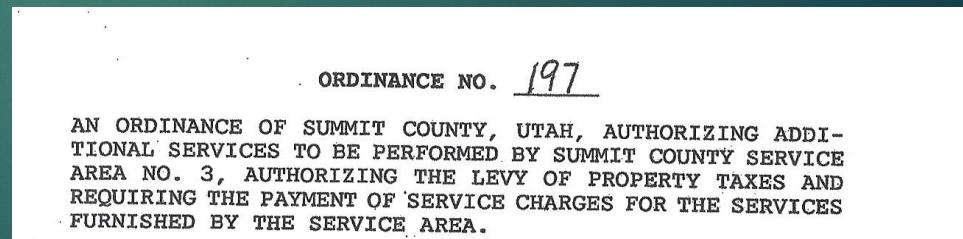
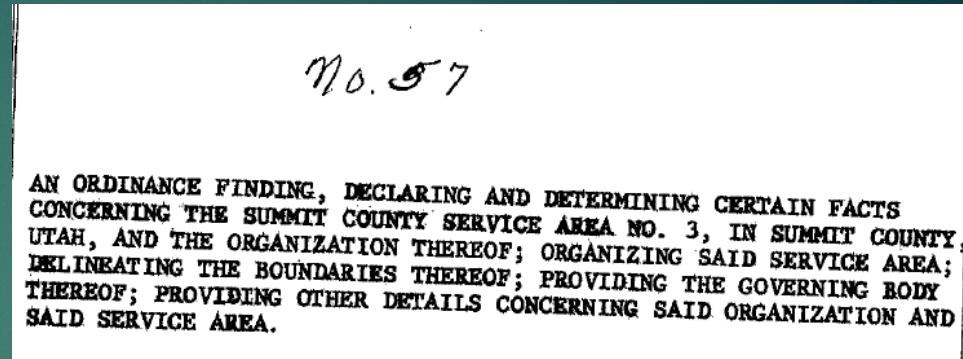


# SCSA3's Creation and Responsibilities

WATER, ROADS, AND PARKS

# Creation of SCSA3

- ▶ Alan Lewis developed Silver Creek Estates in the 1960s as a rural subdivision in unincorporated Summit County
- ▶ Summit County established SCSA3 as a special district on September 8, 1964, to provide certain municipal services for Silver Creek Estates via [Ordinance No. 57](#)
- ▶ Summit County modified the services SCSA3 provides on March 31, 1992, via [Ordinance No. 197](#), and on October 9, 2013, via [Ordinance 815](#)
- ▶ **SCSA3 is a separate and distinct governmental entity from Summit County**



# SCSA3 Responsibilities

## Chapter 27 SUMMIT COUNTY SERVICE AREA NO. 3 (SILVER CREEK)

### 2-27-1: PURPOSE:

To provide for the public health, safety, and general welfare of the residents living within the jurisdictional boundaries of Summit County service area no. 3, the service area is authorized:

- A. To own, operate and maintain water rights and culinary and irrigation water retail services;
- B. To own, operate and maintain water conservation facilities;
- C. To own lands and facilities for storm and flood water collection, disposal, and control;
- D. To improve and maintain local streets and roads, including snow removal;
- E. To provide for extended police protection and powers as necessary for the establishment and enforcement through the Summit County sheriff of speed limits on the local roads within the Silver Creek Estates Subdivision;
- F. To provide for the ownership and maintenance of local park, recreation, or parkway facilities and services;
- G. To provide for the ownership, operation and maintenance of street lighting; and
- H. To provide for curb, gutter and sidewalk construction and maintenance. (Ord. 815, 10-9-2013)

- **Section 2-27-1 of the Summit County Code describe SCSA3's responsibilities**
- **SCSA3 only has authority to undertake these actions**
- **SCSA3 does not have land use authority, but interacts with Summit County to ensure that developments comply with its regulations**



# SCSA3's Water Rights

PRIVately OWNED WELLS AND THE WATER SYSTEM

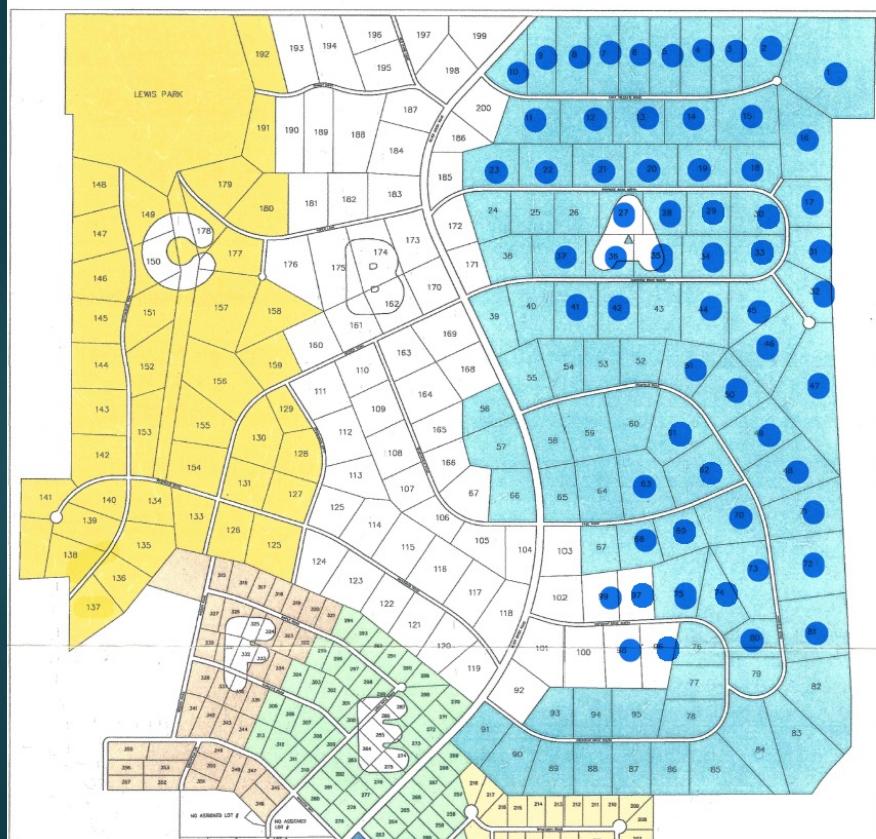
# SCSA3 Water Rights

- ▶ **SCSA3's water rights authorize the diversion of up to 401.02 acre-feet**
- ▶ **Most were first approved in the 1960s**
  - ▶ Some would not be approved now (e.g., water right #35-9116)
- ▶ **There are approximately “wet” 500 lots in SCSA3’s boundaries that are entitled to water service**
  - ▶ 181 lots in Upper Silver Creek rely on private wells that divert SCSA3 water rights
  - ▶ There are around 300 lots in Lower Silver Creek, but some are serviced by Mountain Regional (e.g., Greenfield Ranches)

# SCSA3 Water Rights for Upper Lots

- ▶ Water rights 36-9116 (E2451), 35-13240 (a43507), and 35-13229 (a43506) supply the private wells in the Upper Lots.
  - ▶ These rights are largely based on shares SCSA3 owns in the Davis & Weber Counties Canal Company and Wanship Irrigation Company #2, which were first approved for use in Silver Creek in the 1960s
- ▶ These rights currently do not overlap
  - ▶ Water that isn't used under one water right isn't necessarily available to a water user serviced by another right

# SCSA3 Water Rights For Upper Lots



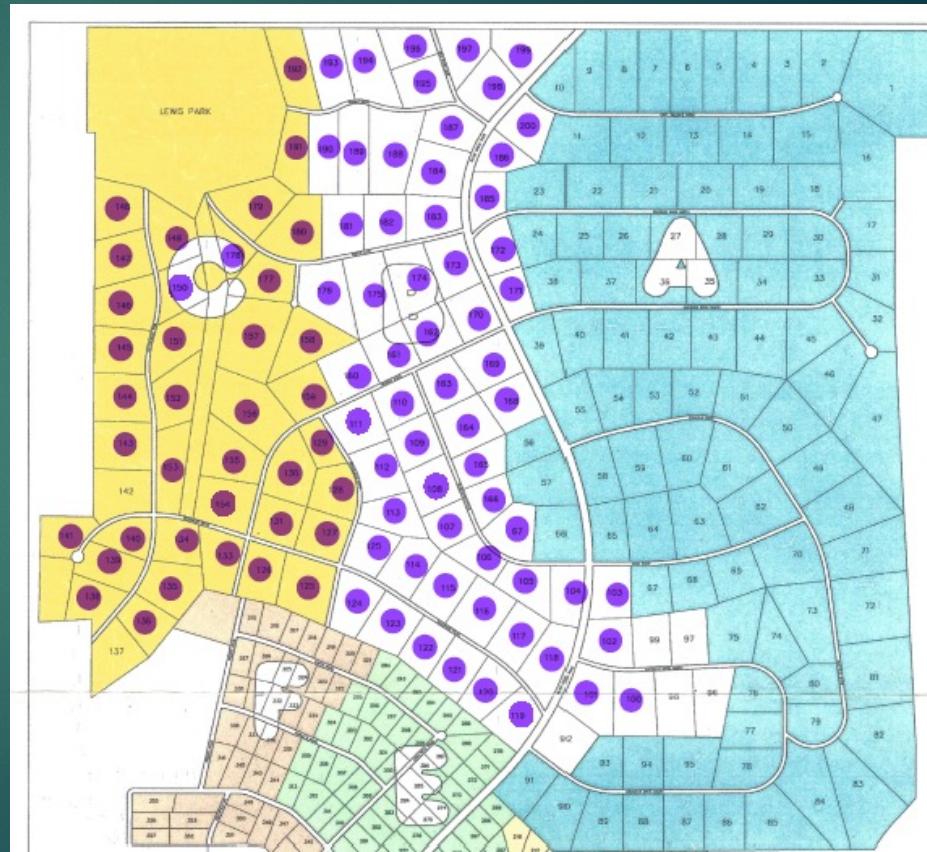
## Water Right 35-13240 (a43507)

- ▶ Based on 21 shares in Wanship Irrigation Co. #2
- ▶ Supplies 61 private wells
- ▶ Each share is worth about 2.9 af per an agreement with the Company and cannot be divided further
- ▶ These shares were first approved for use in SCSA3 in 1963 and **would not** be approved now
- ▶ The Company, however, agreed to the current change application subject to certain conditions

# SCSA3 Water Rights For Upper Lots

## Water Right 35-9116 (E3451)

- ▶ Based on 6.25 shares in Davis & Weber Counties Canal Company and #428 and #429 of the Weber River Decree
  - ▶ Each share is worth 6.0 af but can only be divided into  $\frac{1}{2}$  shares worth 3.0 af
- ▶ Supplies about 100 private wells and water to the water system
- ▶ Original exchange application approved in 1960s
- ▶ Current iteration was approved in 1987
- ▶ **Would not be approved now**



# SCSA3 Water Rights For Upper Lots



## Water Right 35-13229 (a43504)

- ▶ Based on shares in Davis & Weber Counties Canal Company
- ▶ Supplies 21 private wells and provides 7.5 af to the system
- ▶ Each share is worth 6.0 af but can only be divided into  $\frac{1}{2}$  shares worth 3.0 af

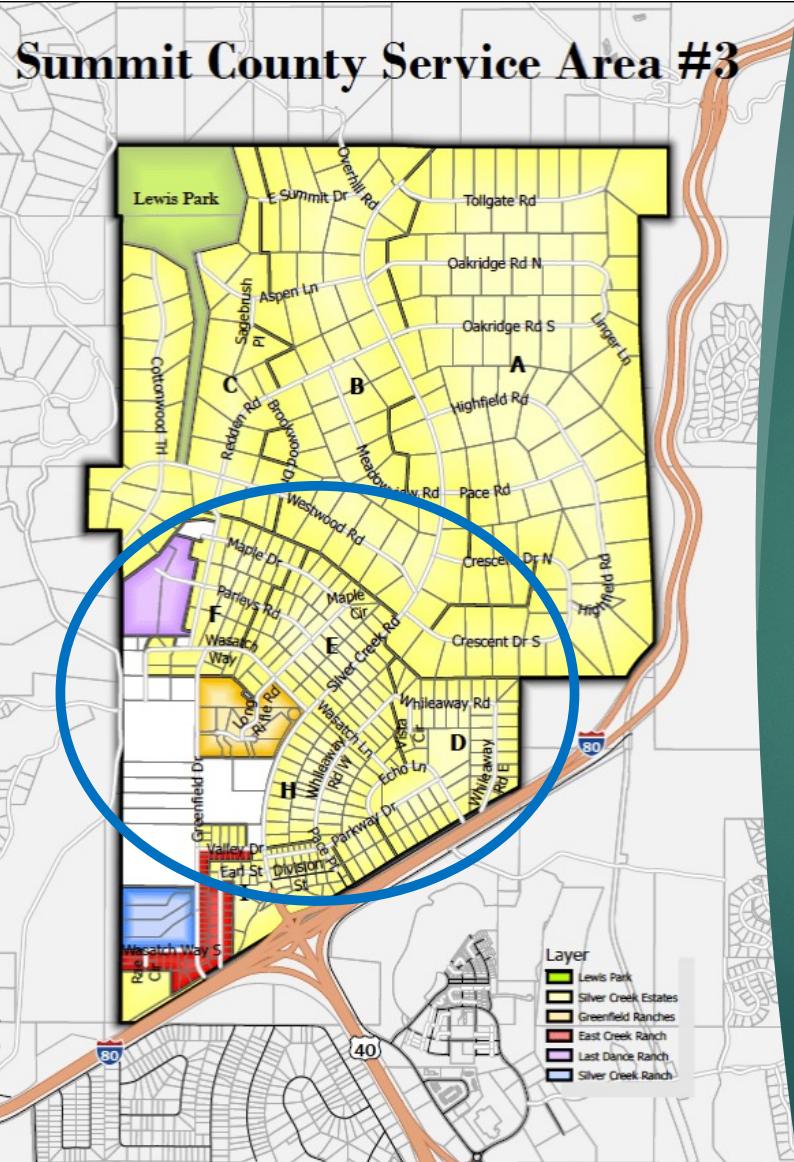
# Note on SCSA3 Shares

- ▶ Water shares are not water rights
- ▶ Water shares represent the maximum amount of water that can be diverted and can be used, which can change
  - ▶ SCSA3's shares in the Davis & Weber Counties Canal Company were previously worth 8.0 af per share but were devalued, reducing SCSA3's water rights by 22.0 af
  - ▶ This reduction prohibited several homes that were approved to use these shares from drilling wells until new change applications were approved
  - ▶ It took SCSA3 years to acquire additional water rights to replace the 22.0 af, which cost hundreds of thousands of dollars
  - ▶ Replacing this water now would likely be much more
- ▶ SCSA3 charges private well owners an annual fee to pay the assessments that Davis & Weber/Wanship #2 charge each year for the shares

# SCSA3 Water Rights for Lower Lots

- ▶ Water rights 35-9704 (a28335), 35-13599 (a45076), and several smaller water rights supply the water system
- ▶ Water right 35-9116 (E2451), which supplies 100 private wells, also supplies the water system
- ▶ With the exception of water right 35-9116 (E2451), the water system rights are not authorized for use by the private wells in the Upper lots

## Summit County Service Area #3



# WATER SYSTEM

- ▶ The water system supplies water to the lots in Lower Silver Creek
- ▶ Some "Upper" lots, mainly along Westwood, have connected to the water system or have the option to connect
- ▶ Two wells – the "District Well" and the "Greenfield Well" supply water to the water system.
  - ▶ Greenfield only operates in the summer
- ▶ The water rights that supply the water system
- ▶ Bond will secure funding to make upgrades to the water system (a new tank and well) and will be paid for with revenue generated from the system (not the Upper Lots with private wells)

# CONDITIONS IN SCSA3 WATER RIGHTS

purposes must not exceed the historical depletion under the underlying water rights. In order to avoid enlarging the underlying rights, the proposed use of water shall be limited to the historical diversion of 61.00 acre-feet and the historical depletion of 32.33 acre-feet.

It is the opinion of the State Engineer that this change application can be approved without adversely affecting existing rights. The applicants are put on notice that diligence must be shown in pursuing the development of this application which can be demonstrated by the completion of the project as proposed in the change application.

It is, therefore, **ORDERED** and Permanent Change Application Number 35-13240 (a43507) is hereby **APPROVED** subject to prior rights and the following conditions:

- 1) Whereas this Change Application has been filed to entirely replace and supersede prior approved Exchange Application Number 35-9118 (E2453), reallocating the company shares to evidence this change application, with this approval that prior application is considered to have been **WITHDRAWN**.
- 2) Annual diversion under this permanent change application is limited to a diversion of 61.00 acre-feet and a depletion of 32.33 acre-feet annually. The applicant must maintain records sufficient to demonstrate depletion due to uses associated with diversions under this change application do not exceed 32.33 acre-feet. The change application is to be used for year-round municipal purposes within the service area of Summit County Service Area #3.
- 3) To accommodate the approval of this Permanent Change Application all water uses from the historical points of diversion and at the historical place of use must cease.
- 4) The 21.00 shares of stock in the Wanship Irrigation Company 2 must remain dedicated to the use of water and maintained in good standing by the applicants under this application. If you fail to do so, Utah Code Section 73-3-3.5(12) provides the water company may petition the State Engineer for an order reversing this approval.
- 5) The applicant shall install and maintain measuring and totaling recording devices to meter all water diverted from all sources pertaining to this application and **shall annually report this data to the Division of Water Rights Water Use Program**.

The State Engineer has statutory responsibility to create and maintain water right records based on an administrative process outlined in statute. The State Engineer is not authorized by statute

ORDER OF THE STATE ENGINEER  
Permanent Change Application Number  
35-13240 (a43507)  
Page 5

exercise a water right within the statutory period could render all or a portion of a water right invalid through forfeiture. Parties who wish to challenge the validity of a water right are advised that a declaration of forfeiture is a judicial action and the courts are available to pursue such suits (UCA 73-1-4).

As noted, this approval is granted subject to prior rights. The applicants shall be liable to mitigate or provide compensation for any impairment of or interference with prior rights as such may be stipulated among parties or decreed by a court of competent jurisdiction.

The applicants are strongly cautioned that other permits may be required before any development of this application can begin and it is the responsibility of the applicants to determine the applicability of and acquisition of such permits. Once all other permits have been acquired, this is your authority to develop the water under the above referenced application which under Sections 73-3-10 and 73-3-12, Utah Code Annotated, 1953, as amended, must be diligently prosecuted to completion. The water must be put to beneficial use and proof must be filed on or before October 31, 2023, or a request for extension of time must be acceptably filed and subsequently approved; otherwise the application will be lapsed. This approval is limited to the rights to divert and beneficially use water and does not grant any rights of access to, or use of land or facilities not owned by the applicants.

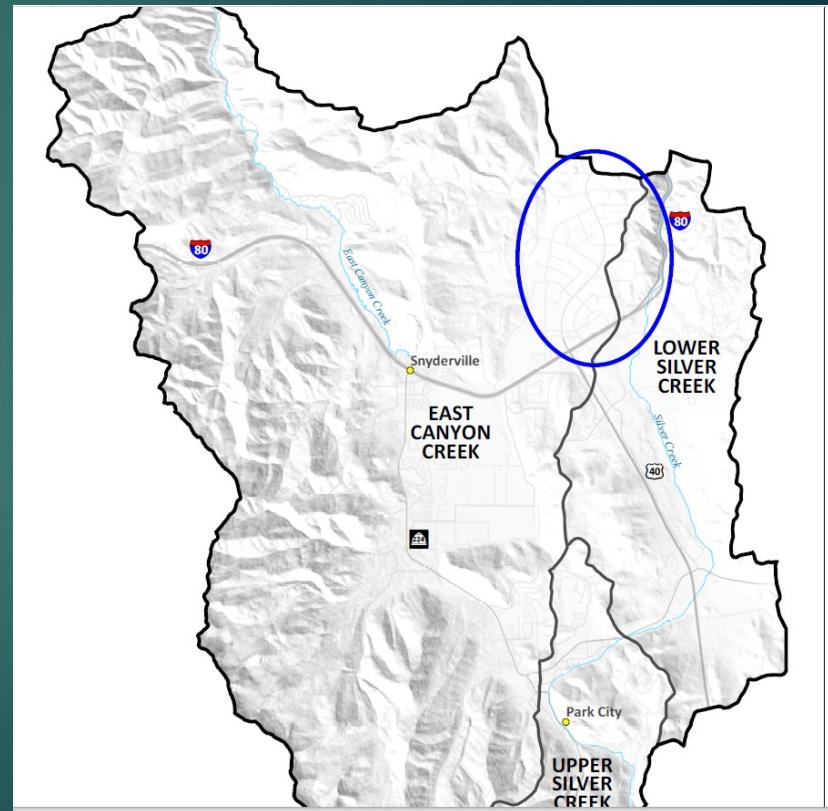
Proof of beneficial use is evidence to the State Engineer that the water has been fully placed to its intended beneficial use. By law, it must be prepared by a registered engineer or land surveyor, who will certify to the location, uses, and extent of your water right. Upon the submission of proof as required by Section 73-3-16, Utah Code, for this application, the applicants must identify every source of water used under this application and the amount of water used from that source. The proof must also show the capacity of the sources of supply and demonstrate that each source can provide the water claimed to be diverted under this right as well as all other water rights which may be approved to be diverted from those sources.

Failure on your part to comply with the requirements of the applicable statutes may result in the lapsing of this permanent change application.

# Other Considerations

## Snyderville Groundwater Mgmt. Plan

- ▶ All the water is appropriate or “called for”
- ▶ Outside water rights typically cannot be moved into the basin
- ▶ Only existing rights with sources inside the basin can be used
- ▶ Limitations apply to changes that move water from one subdrainage to another, including within SCSA3
- ▶ This means that water rights:
  - ▶ Are hard to come by; and
  - ▶ Some of the most expensive in Utah and possibly the West



# SCSA3 Water Allotments

- ▶ Because its water rights are limited and new rights are difficult and expensive to obtain, SCSA3 has long allocated its water rights among its residents
  - ▶ Upper lot owners have an annual allocation of 1.0 af
  - ▶ Lower lot owners on the water system have an annual allocation of 0.75 af because their lots are smaller
- ▶ The allotments ensure that every “wet” lot owner has a guaranteed amount of water...even if they are the last to develop
- ▶ Water users who do not currently use their full allotment are entitled to use their full allotment at any time
- ▶ If residents stay within their allotments, there will be sufficient water for everyone
- ▶ If a resident wants to use more than their allotment, they can acquire additional water rights and dedicate them to SCSA3...if they can find more
- ▶ SCSA3 does not charge private well owners for the use of the SCSA3's water rights unless they exceed their annual allocations

# SCSA3 Allotments, Cont.

- ▶ To date, the allotment approach has kept SCSA3 from violating its water rights
  - ▶ Most residents use much less than their allotments
  - ▶ Only a handful of users use more than their allocations
- ▶ For instance, if SCSA3 allowed its users to use as much water as they wanted and simply pay more for that use:
  - ▶ Enough water may not be available for other users to use their full allotments
  - ▶ Certain water rights (e.g., 35-13229 (a43504)) could be exceeded
  - ▶ If SCSA3 exceeds its rights, it may not be able to find or afford additional water rights
- ▶ However, recent changes in state law governing land use applications may require revisions to this approach

# SCSA3's Roads

# SCSA 3 Roads Background

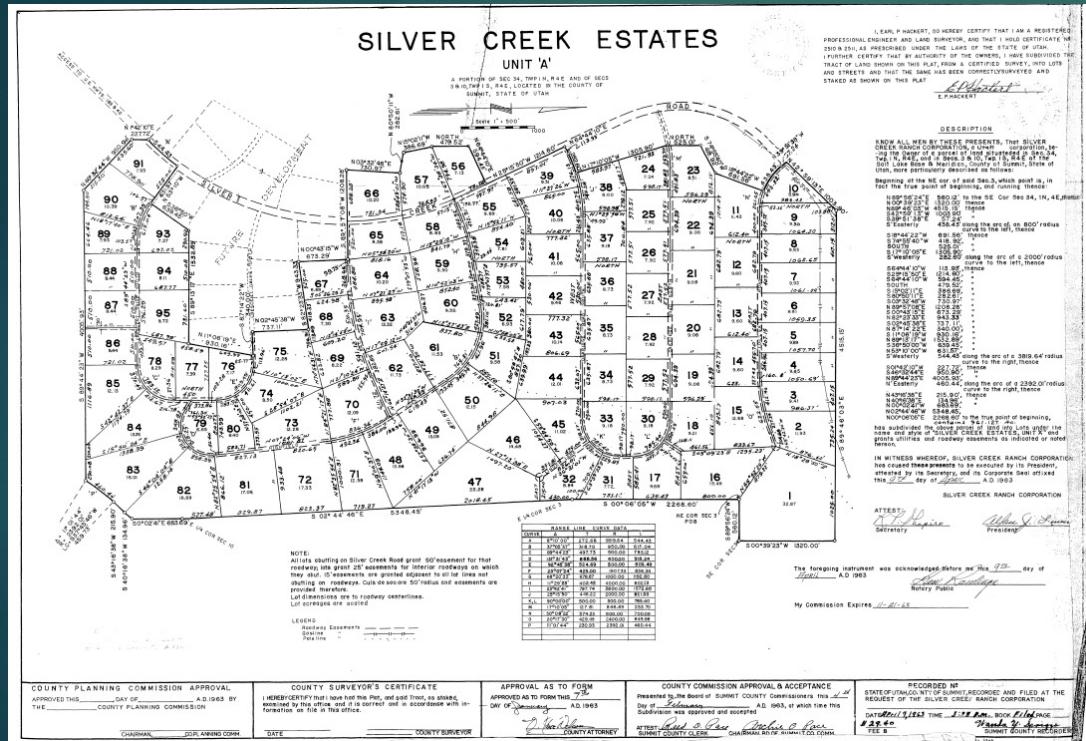
- ▶ Summit County owns the roads in Silver Creek Estates
- ▶ SCSA3 can set speed limits but does not have the police power to enforce speed limits or remove encroachments
  - ▶ The Sheriff's Office must enforce speed limits in Silver Creek Estates
  - ▶ The County must initiate enforcement actions to remove encroachments in the public rights of way SCSA3 operates

E. To provide for extended police protection and powers as necessary for the establishment and enforcement through the Summit County sheriff of speed limits on the local roads within the Silver Creek Estates Subdivision;

# Why Roads are Unique In SCSA3

- ▶ Few special districts in Utah operate and maintain roads
  - ▶ Counties and municipalities typically operate and maintain roads
    - ▶ Counties and municipalities cover the costs they incur in ensuring that a development complies with their road requirements through the land use and building permit process
    - ▶ Because Summit County doesn't operate the roads, the fees it charges do not cover the costs SCSA3 incurs in ensuring that a development complies with its roads requirements (e.g., reviewing plans, verifying that developments don't encroach on SCA3 roads, that culverts are built properly, etc.)
    - ▶ Few special districts impose fees for roads, which creates confusion and conflict with property owners who develop their properties
  - ▶ Because of this, staff are recommending that SCSA3 develop impact fees, which are more common and understood by the public

# Encroachments in SCSA3



- ▶ Many roads in SCSA3 were not built in accordance with the plats, which creates confusion and increases the potential for conflict
- ▶ Most of the roads that weren't built in accordance with the plats, however, have been used continuously by the public and have been dedicated to public use pursuant to UCA 72-5-104
- ▶ SCSA3 will try to resolve encroachments with property owners amicably, but will involve Summit County code enforcement if the property owner doesn't remove the encroachment voluntarily

# Right of Way Dedication Differences

## NOTE:

ALL LOTS ABUTTING ON SILVER CREEK ROAD GRANT 50' EASEMENT FOR THAT ROADWAY; LOTS GRANT 25' EASEMENTS FOR INTERIOR ROADWAYS ON WHICH THEY ABUT; 15' UTILITIES EASEMENTS ARE GRANTED ADJACENT TO ALL LOT LINES NOT ABUTTING ON ROADWAYS; CULS-DE-SAC ARE 50' RADIUS AND EASEMENTS ARE PROVIDED THEREFORE.

LOT DIMENSIONS ARE TO CENTERS OF ROADWAYS.

## NOTE:

All lots abutting on Silver Creek Road grant 50' easement for that roadway; lots grant 25' easements for interior roadways on which they abut. 15' easements are granted adjacent to all lot lines not abutting on roadways. Culs de sac are 50' radius and easements are provided therefore.

Lot dimensions are to roadway centerlines.

Lot acreages are scaled

## NOTE:

All lots grant 25' Easements for Roadways/ on which they abut; 15' Utilities Easements are granted adjacent to all lot lines not abutting on roadways; Cul-De-Sac radius 50' and Easements are provided therefore.

Lot dimensions are to center of roadways.

## NOTE:

Lots grant 30' easements for interior roadways on which they abut. 10' easements are granted adjacent to all lot lines not abutting on roadways. Culs de sac are 60' radius and easements are provided therefore.

Lot dimensions are to roadway centerlines, except those abutting on service road.

## NOTE:

Lots grant 30' easements for interior roadways on which they abut. 10' easements are granted adjacent to all lot lines not abutting on roadways. Culs de sac are 60' radius and easements are provided therefore.

Lot dimensions are to roadway centerlines.

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Lot dimensions are to roadway centerlines.



# SCSA3's Rules of Governance and Order and Procedure

BOARD GOVERNANCE, AGENDA DEVELOPMENT, AND MEETING CONDUCT

# UCA 17B-1-310 - Rules of Order and Procedure

(3)

- (a) Each meeting of the board of trustees shall comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (b) Subject to Subsection (3)(c), a board of trustees shall:
  - (i) adopt rules of order and procedure to govern a public meeting of the board of trustees;
  - (ii) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (3)(b)(i); and
  - (iii) make the rules of order and procedure described in Subsection (3)(b)(i) available to the public:
    - (A) at each meeting of the board of trustees; and
    - (B) on the special district's public website, if available.
- (c) Subsection (3)(b) does not affect the board of trustees' duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.

# UCA 17B-1-301 Board Governance

## **17B-1-301 Board of trustees duties and powers.**

- (1)
  - (a) Each special district shall be governed by a board of trustees that shall:
    - (i) manage and conduct the business and affairs of the district; and
    - (ii) determine all questions of district policy.
  - (b) All powers of a special district are exercised through the board of trustees.
- (2) The board of trustees may:
  - (a) fix the location of the special district's principal place of business and the location of all offices and departments, if any;
  - (b) fix the times of meetings of the board of trustees;
  - (c) select and use an official district seal;
  - (d) subject to Subsections (3) and (4), employ employees and agents, or delegate to district officers power to employ employees and agents, for the operation of the special district and the special district's properties and prescribe or delegate to district officers the power to prescribe the duties, compensation, and terms and conditions of employment of those employees and agents;
  - (e) require crime insurance for district officers and employees charged with the handling of district funds in an amount set by the board;
  - (f) contract for or employ professionals to perform work or services for the special district that cannot satisfactorily be performed by the officers or employees of the district;
  - (g) through counsel, prosecute on behalf of or defend the special district in all court actions or other proceedings in which the district is a party or is otherwise involved;
  - (h) adopt bylaws for the orderly functioning of the board;
  - (i) adopt and enforce rules and regulations for the orderly operation of the special district or for carrying out the district's purposes;

# SCSA3 Resolution No. 2024-02

- ▶ Contains SCSA3's current rules of governance for the Board and its rules of order and procedure
  - ▶ Specific rules the Board has adopted to guide and govern the Board
  - ▶ In addition to state law requirements
- ▶ Unique requirements for Board set forth in Resolution No. 2024-02
  - ▶ Chair and Vice Chair are elected at the first regular Board meeting in January and serve one-year terms, but can serve consecutive terms
  - ▶ Treasurer and Clerk are elected to two-year terms
  - ▶ Describes the duties of the Chair, Vice Chair, Treasurer, and Clerk
- ▶ Establishes standards for how Board members are to conduct themselves when performing official duties
  - ▶ Includes a process for addressing Board member violations
  - ▶ Includes baseline requirements for how Board members are to interact with staff, which are in addition to the requirements of SCSA3's personnel policy
  - ▶ Authorizes the use of the "Little Manual" published by the State Auditor

# SCSA3 Resolution No. 2024-02, Addendum A

- ▶ Establishes Code of Conduct for Board and Public During Meetings
- ▶ Establishes Rules of Order
  - ▶ Not Robert's Rules but an easier-to-use version
  - ▶ Explains how motions are made and discussed
  - ▶ Sets forth the process by which agenda are developed
  - ▶ Governs conduct by the public and public comment

# My Recommendations

- ▶ Restate and update SCSA3's various rules and regulations into one cohesive "Service Area Code"
  - ▶ Update Rules of Governance and Order and Procedure as part of this project
- ▶ Develop impact fees for roads to replace current fee structure
- ▶ "Normalize" SCSA3's operations to the extent possible to
  - ▶ Better align SCSA3 operations with how most other special districts operate
  - ▶ Reduce conflict and confusion

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ADDENDUM E – CREDIT CARD MISSING RECEIPT FORM .....		

# Example of a “Service Area Code”

# Questions?



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# Board Member Training - 2026

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for

*Special Service Districts &  
Special Districts*



*Utah Association of Special Districts*

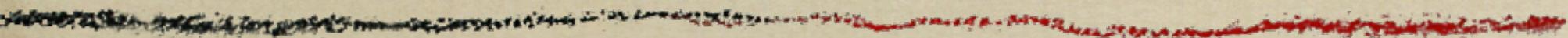
# Outline

## *Open Meetings*

- *Training Requirements*
- *Statutory Requirements*
  - *Open Meetings*
  - *Emergency Meetings*
  - *Closed Meetings*
- *Agendas*
- *Minutes*



# Open Meetings



*Let the people know the facts  
and the country will be safe.*

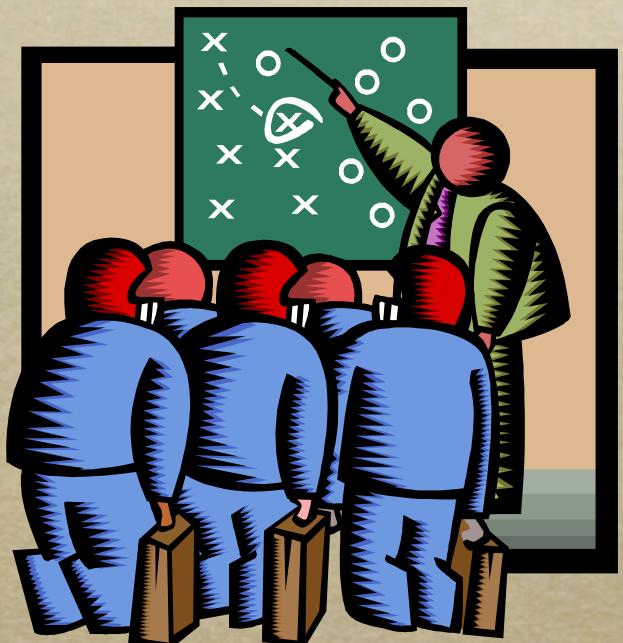
*Abraham Lincoln*

# Training Requirements

*(Utah Code 52-4-104)*

## *Open Meetings*

- *The presiding officer of the public body ensure that the members of the public body are provided with annual training on the requirements of the Open and Public Meetings Act*



# Training Requirements

*(Utah Code 52-4-104)*

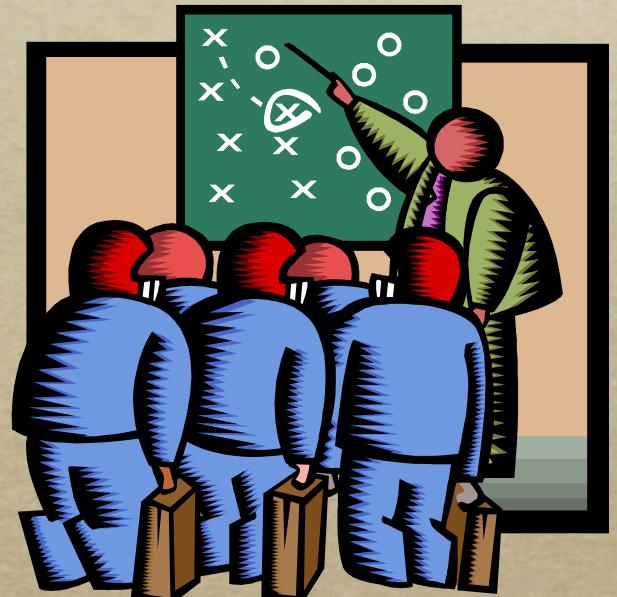
## *General Training*

*(Utah Code 17B-1-312)*

- *Within one year of appointment or election complete State Auditors Office/UASD training*

## *GRAMA*

- *Records officers to be trained*
  - *Annual certification required*



# Open Meetings Law (Utah Code 52-4-103(5))

## ❑ An “Meeting” means...

- ...*a gathering of a public body ...*
  - *with a **quorum** present; and*
  - *that is convened by an individual with authority to convene the public body, following the process provided by law for convening a public body.... (continued)*

*(2024 HB 36)*



# Open Meetings Law (Utah Code 52-4-103(5))

- *... for the express purpose of acting as a public body to:*
  - *receive public comment about a relevant matter;*
  - *deliberate about a relevant matter; or*
  - *take action upon a relevant matter. (2024 HB 36)*



# Open Meetings Law (Utah Code 52-4-103(5))

## ❑ A “Relevant matter” means...

- ...a matter that is within the scope of the authority of the body.
- A “Relevant Matter DOES NOT include:
  - a managerial or operational matter, for a public body with both executive and legislative responsibilities. (2024 HB 36)



# Open Meetings Law (Utah Code 52-4-103(6))

## ❑ To “Participate” means...

- *...the ability to communicate with all of the members of a public body, either verbally or electronically, so that each member of the public body can hear or observe the communication.*



# Open Meetings Law (Utah Code 52-4-208(1))

- ❑ HB 36, 2024 General Session, repealed language relating to chance or social meetings, and replaced it with the following language...



# Open Meetings Law (Utah Code 52-4-208(1))

- ❑ *Individuals constituting a quorum of a public body may not act together outside a meeting in a concerted and deliberate way to predetermine an action to be taken by the public body at a meeting on a relevant matter.*



# Open Meetings Law (Utah Code 52-4-103(7))

## ❑ A *meeting includes* ...

- ... a *meeting whether in-person or by electronic means, includes*:
  - *Workshops*
  - *Executive Sessions*
- *Does not include*:
  - *Chance Meetings*
  - *Social Meetings*



# Open Meetings Law (Utah Code 52-4)

## ❑ *Electronic Meetings*

- *Subject to the Open Public Meetings Act*
- *A political subdivision may hold an electronic meeting if...*



# Open Meetings Law (Utah Code 52-4-207)

## *Electronic Meetings*

- *...an **electronic meeting policy** has been **adopted** by the district board.  
(Update:2021 SB 125)*
- *The electronic meeting policy, resolution, or rule must provide a procedure for recording votes of members, including defining circumstances under which a roll call vote is required. (2024 HB 36)*



# Open Meetings Law *(Utah Code 52-4)*

## *Electronic Meetings*

- *UASD template for electronic meetings is available at [www.uasd.org](http://www.uasd.org)*



# Open Meetings Law (Utah Code 52-4)

## *Electronic Meetings* (Update: 2021 SB 125)

- *Board **Shall** provide space and facilities at the anchor location for members of the public to attend open portions of the meeting. (for those who are physically present)*
- ***May** provide means by which members of the public not physically present may attend the meeting electronically*



# Open Meetings Law (Utah Code 52-4)

*Electronic Meetings* -continued-  
(Update: 2021 SB 125)

- **Anchor location is required...**
- **...Unless**
  - *Finding by Chair determines substantial health risk at anchor location, or*
  - *Normal anchor location is ordered closed for safety or public health reasons*



# Open Meetings Law (Utah Code 52-4)

*Electronic Meetings -continued-*  
(Update: 2021 SB 125)

*If there is NO ANCHOR LOCATION...*

- *Meeting notice shall describe chair's determination and fact summary.*
- *Board **Must** provide means and information ... How the public may attend remotely, electronically.*
- *Finding must be read at the meeting.*



# Open Meetings Law (Utah Code 52-4-210)

---

## ***Electronic Communications in Public Meetings***

- *Nothing in this chapter may 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 a public meeting.*



# Open Meetings Law

## *Electronic Communications*

- “*Electronic Messages*”  
*and*  
*GRAMA*



# Meeting Agendas



# Open Meeting Agenda (52-4-202(6))

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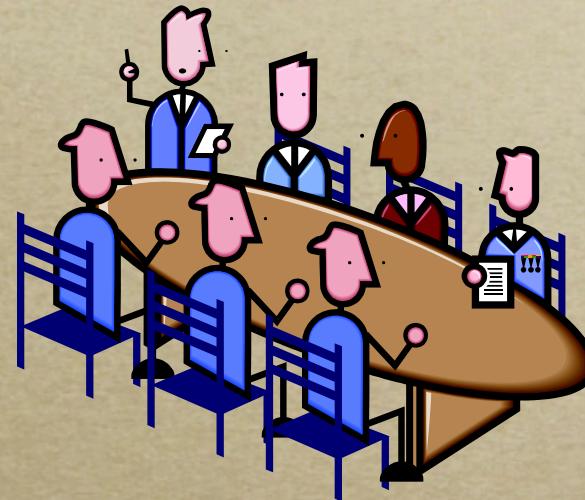
*Meeting Agenda must include:*

- *Reasonable specificity.*
- *Each topic shall be listed under an agenda item.*
- *May not take final action on any topic or item that is not on the agenda.*
- *May only discuss a topic not listed on the agenda, if it is raised by a member of the public. (52-4-202(6)(b))*



# Meeting Notice Requirements

---

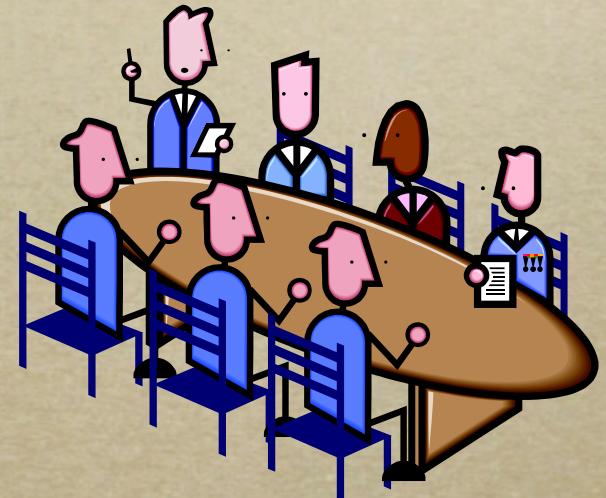


# New Public Notice Requirements

(63G-30-102)

*SB 43 (2023 Legislative Session) Created “Class A” and “Class B” categories for different types of public notice.*

- *Each classification requires notice to be provided in specific ways.*
- *Intended to standardize notice requirements throughout statute.*

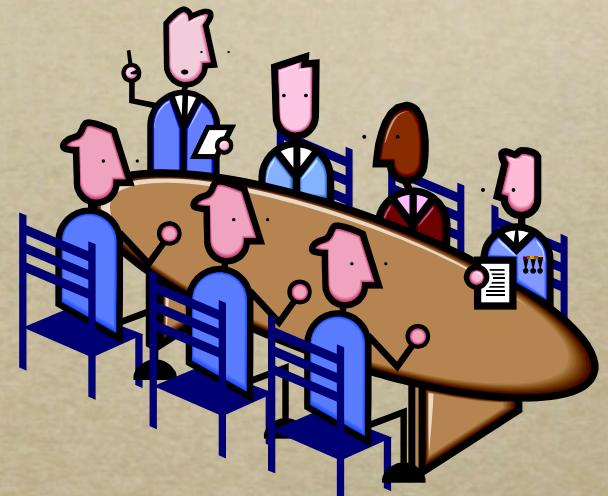


# New Public Notice Requirements

(63G-30-102)

*Recommended approach when evaluating notice requirements.*

- *In addition to referring to 63G-30-102, review the statutory definitions. 63G-30-101*
- *Carefully review code section that requires the specific notice to be provided, to determine if there are any additional notice requirements.*



# New Public Notice Requirements

(63G-30-102 (1))

---

## ***Class A notice requirements (ie. board meeting)***

*Publish notice:*

- *On the Utah Public Notice Website.*
- *On the Public body's website if the body:*
  - *Maintains a website, and*
  - *Has an annual operating budget of \$250,000 or more, and*



# New Public Notice Requirements

---

## *Additional Tool*

- *When posting on the Utah Public Notice Website, don't forget that you may automatically provide notice to:*
  - *a local media correspondent*
  - *board members*
  - *staff*
  - *citizens,*
  - *by entering their email addresses.*



# New Public Notice Requirements

(52-4-202 (4))

---

- *A public body is encouraged to develop and use additional electronic means to provide notice of their meetings.*



# New Public Notice Requirements

(63G-30-102 (1))

---

## ***Class A notice requirements continued-***

- *Post public notice in a **public location** in or near the affected area that is reasonably likely to be seen by*
  - *residents of the affected area; or*
  - *if there are no residents in the affected area, seen by individuals who pass through or near the affected area.*



# New Public Notice Requirements

(63G-30-102 (1)(viii))

---

## ***Class A notice requirements continued-***

- *If the affected area is an interlocal entity, post a physical notice within, or as applicable near each jurisdiction that is part of the interlocal entity.*



# New Public Notice Requirements

(63G-30-102 (2))

---

## ***Class B notice requirements - certain public hearings (ie truth in taxation)***

- *Comply with all Class A notice requirements, and*
- *If state statute, county ordinance, or municipal ordinance requires that the notice be provided to one or more designated persons or real property owners, mail or otherwise deliver the public notice or notice summary statement to each designated person or property owner.*



# New Public Notice Requirements

(63G-30-102 (2))

---

## *Posting Notice at a Physical Location*

*The requirement is fulfilled, if;*

- *Notice is posted before the beginning of the required period of time;*
- *The public body does not remove the posting before the end of the required period of time; and*



# New Public Notice Requirements

(63G-30-102 (2))

---

- *Until the end of the required time period, the public body;*
  - *periodically verifies that the notice remains in place; and*
  - *replaces the notice within a reasonable time after discovering that the notice has been removed or damaged*



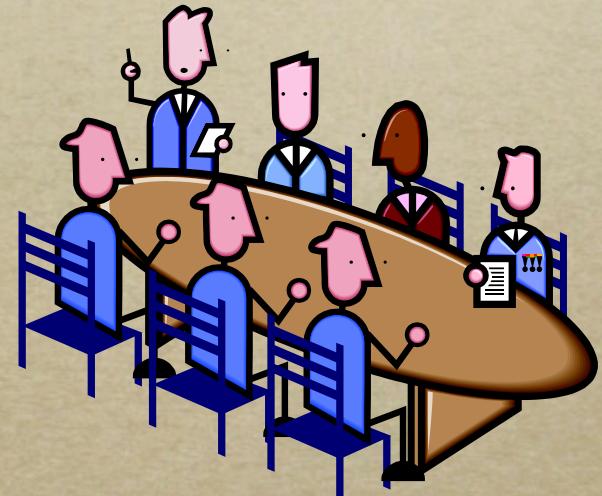
# Annual Meeting Notice Requirements

(52-4-202 (2))

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*For regular meetings that are scheduled in advance over the course of a year...entities shall:*

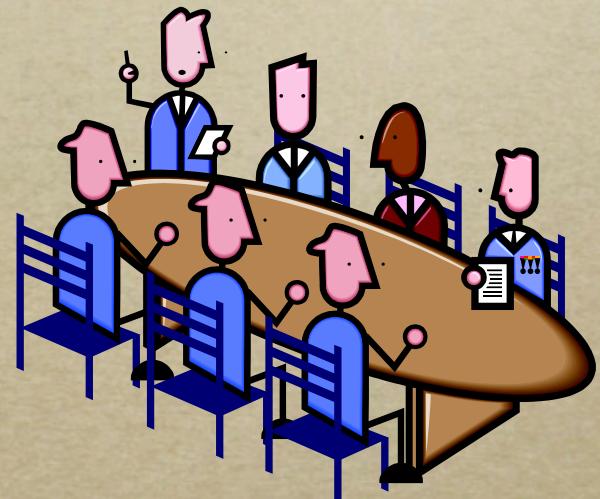
- *Provide public notice of annual meeting schedule at least once each year*
- *Specify the date, time and place of the scheduled meeting*



# Annual Meeting Notice Requirements

(63G-30-102(5)(iii))

- *Annual Meeting Notice must remain posted in place all year long.*
- *Periodically check the location of the physical posting throughout the year to make sure that the notice is still posted. If it has been removed, notice must be replaced.*



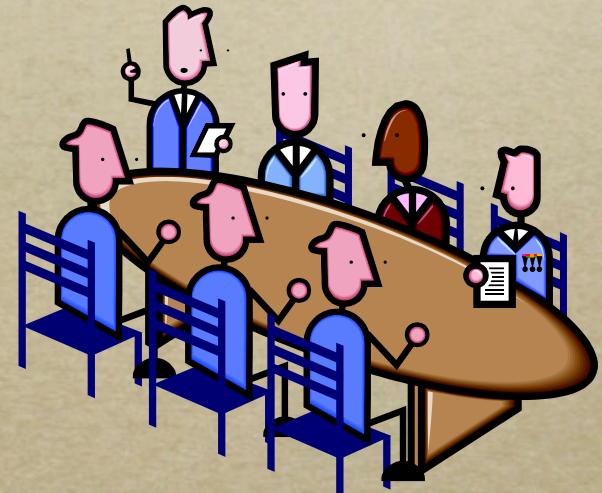
# Annual Meeting Notice Requirements

(52-4-202 (3)(c))

---

*Compliance with the requirement to post notice in a public location within the affected area may be accomplished by posting the notice in, on, or near:*

- *the anchor location for the meeting; or*
- *the structure or other area where the meeting will be held.*



# Regular Meeting Notice Requirements

(52-4-202)

- *Regular meeting agendas*
  - *Provide 24-hours public notice*

***Can't change within 24hrs***

- *If not a regular meeting, provide 24-hours public notice*



# Regular Meeting Notice Requirements

(52-4-202)

---

## *Utah Public Notice Website*

- *To be in compliance with the Utah Open Meetings Law, all government entities must post meeting agendas on the Utah Public Notice Website*



# Exception re: Notice Requirements (17B-1-609(6))

*For Budget Public Hearing, Districts with budget less than \$250,000 may provide notice of the public hearing by:*

- Mailing a written notice to each voter in the special district; and
- Posting the notice at 3 public places within the district



# Regular Meeting Notice Requirements

(63A-12-201)

## Utah Public Notice Website

<http://pmn.utah.gov>

## Contact Information

*Utah Public Meeting Notice  
Website Administrator*

*Division of Archives and Records  
Services*

*801-531-3848*



# Emergency Meetings

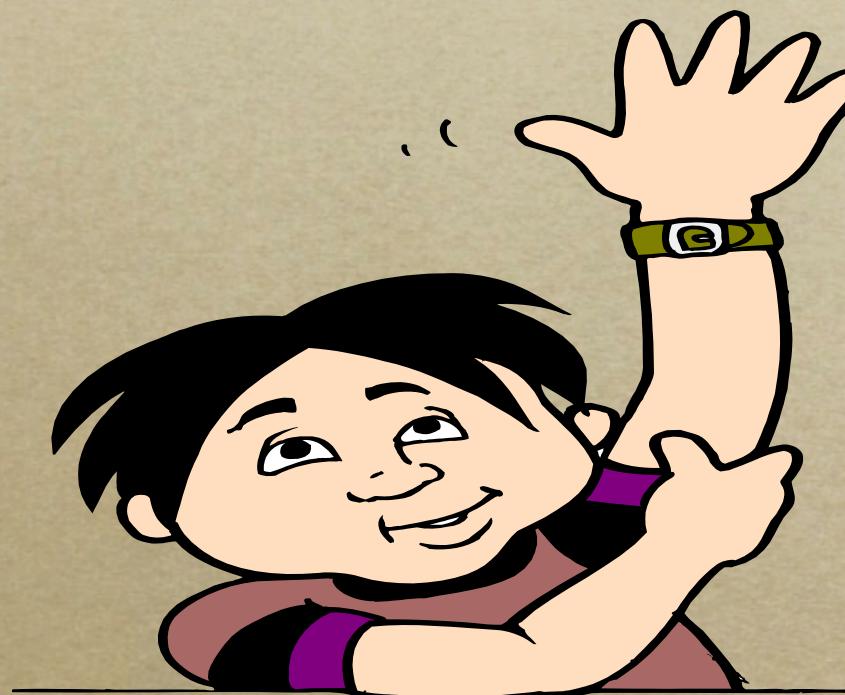
(52-4-202(5))

*May be held if the following criteria are met:*

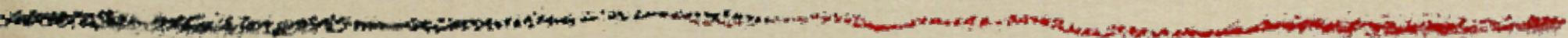
- *Unforeseen circumstances*
- *Give best practicable notice of:*
  - *Date, time and place*
  - *Items to be considered*
- *Attempt to notify all board members*
- *Majority approve of the meeting*
- *Final action may be taken...*



# Questions



# Closed Meetings (52-4-205)



- *A Closed Meeting is closed to the public and to the press.*
- *A Closed Meeting may be convened **only** for specific purposes as defined in statute.*

# Closed Meetings - Purposes (52-4-205)

---

- *The character, competence or health of an individual*
- *Deployment of security personnel, devices or systems*
- *Collective bargaining issues*



# Closed Meetings - Purposes (Continued)

- *Pending or reasonably imminent litigation.*
- *Investigative proceedings regarding allegations of criminal misconduct.*



# Closed Meetings - Purposes (Continued)

- *Purchase, exchange, lease, or sale of real property, including any form of a water right or water shares, if: ...*
  - *...such discussion prevents the district from completing a transaction on the best possible terms.*



# Closed Meetings - Purposes (Continued)

- *Information that is required to be maintained as Private or Protected by the Procurement Statute, including trade secrets*
  - *...at the time of the procurement process*
  - *...unless otherwise required to permanently be maintained as protected.*



# *Closed* Meetings - Minutes

---

*A meeting may not be closed to:*

- *Interview candidates applying to fill an elected position*
- *discuss filling a mid-term vacancy*
- *discuss filling a temporary absence*



(Utah Code 52-4-205(3))

# Closing a Meeting - Procedures

---



# Closing a Meeting - Procedures

---

## *How to convene a Closed Meeting*

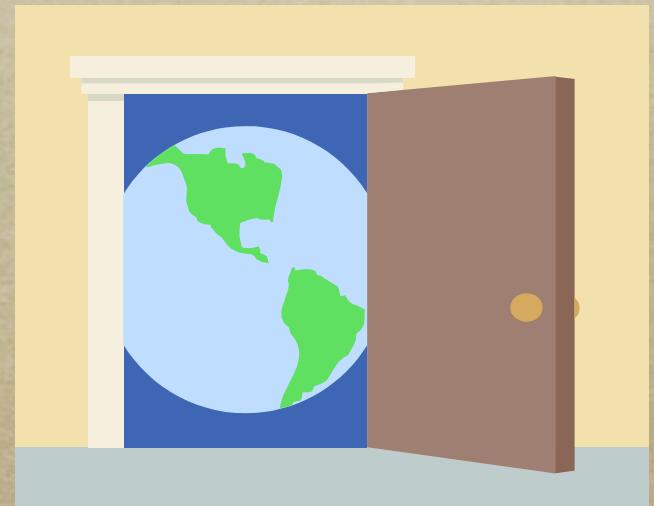
- *May convene only from a properly noticed open meeting.*
- *Motion to enter a closed meeting.*
- *Two-thirds vote required of board members present at an open meeting.*
- *No board action may be taken in a closed meeting.*



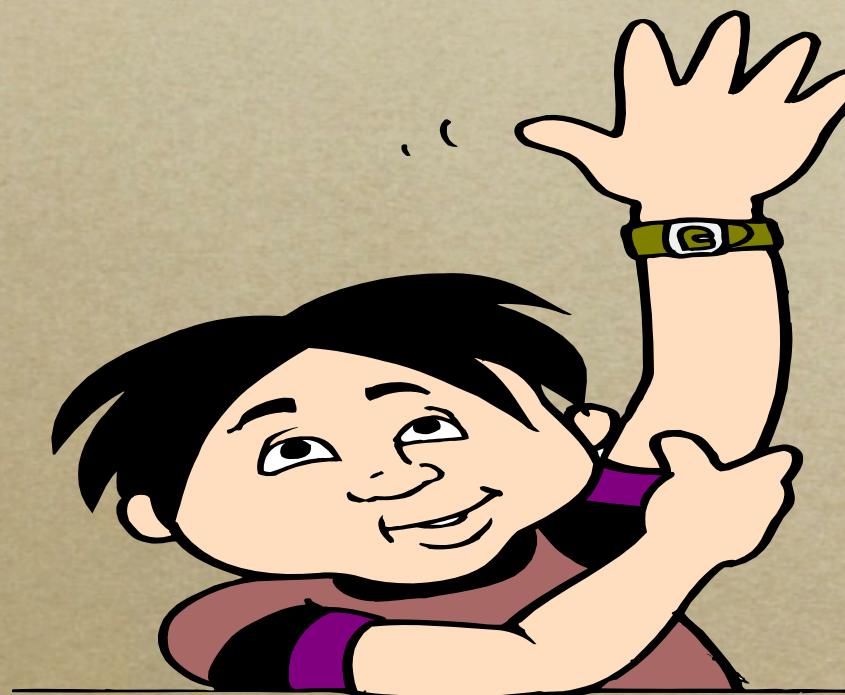
# Closing a Meeting - Procedures

---

- *Publicly announce and record the **motion** to convene a Closed Meeting*
- *Clearly state the **reason** for closing the meeting*
- *Record the **location** of closed meeting*
- *Record the **vote** of each board member*



# Questions



# Board-Meeting Minutes

---

*Closed Meeting Minutes*

*Versus*

*Open Meeting Minutes*



# *Closed* Meetings - Minutes

---

- No **recording** is required *if* the meeting is closed to discuss:
  - *The character, competence or health of an individual, or*
  - *The deployment of security personnel, devices, or systems,*
- *In lieu, requirements are:*
  - *Sworn written statement*



**Utah Code 52-4-206**

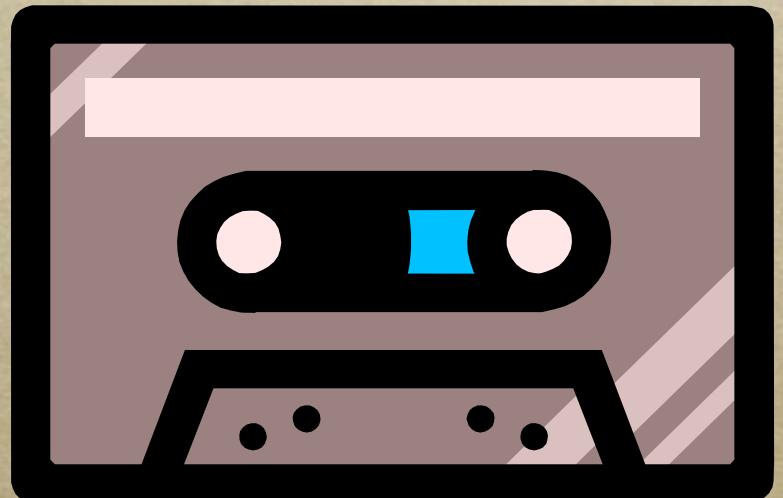
*Utah Association of Special Districts*

# *Closed* Meeting - Minutes

---

*All other closed meetings  
require that:*

- *The board must record  
the closed portion of the  
meeting: and*
- *The entity may keep  
detailed written minutes.  
(Utah Code 52-4-206(1))*



# Closed Meeting Minutes continued...

---

- *Closed meeting minutes are protected records.*  
*(Utah Code 52-4-206(5))*
- *Retention of closed-meeting recordings according to Archives Records Retention Schedule.*



# Content of *Closed* Meeting Minutes

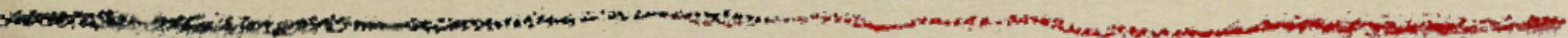
---

*Closed meeting minutes  
(recorded) shall include:*

- *Date, time and place of the meeting*
- *Names of board members present and absent*
- *Names of all others present (Utah Code 52-4-206(3))*



# *Closed* Meetings



## *Criminal Penalty*

- *Class B misdemeanor for any member of a public body who knowingly or intentionally violates, or who knowingly or intentionally abets, or advises a violation of any of the closed meeting provisions. (UCA 52-4)*

# Open Meeting Minutes

---



# Open Meeting Minutes (52-4-203(7))

---

*Written minutes and an audio recording are **required**, except for:*

- ... a **site visit or traveling tour** where no vote or action is taken.
- In that case, either written or audio minutes are allowed.



# Open Meeting Minutes continued...

- *Open meeting recordings* (audio or video) are public records.
- *Open meeting written minutes* are public records.



# Open Meeting Minutes continued...

---

- An audio or video recording of an Open Meeting **must be converted** to written minutes.



# Content of Open Meeting Minutes

---

*Open meeting minutes shall include:*

- *Date, time and place of the meeting;*
- *Names of board members present and absent;*
- *Substance of all matters proposed, discussed, and decided;*



# Open Meeting Minutes continued...

---

- *Electronic recordings of an open meeting shall be available to the public for listening within 3 business days after the end of the open meeting.*



# Open Meeting Minutes continued...

- *Pending Minutes*
  - *Are written minutes of an open meeting*
  - *... Prepared in draft form and are subject to change before approval*
  - *Shall be available within a reasonable time*



# Open Meeting Minutes continued...

- *Pending Minutes*
  - *...made public before approval shall be clearly labeled as “unapproved”, etc.*
  - *Boards are to establish procedures for approval of written minutes of each public meeting.*



# Open Meeting Minutes continued...

- *Approved Open Meeting Written Minutes:*
  - Are the official record of action taken.
  - Permanent Records
  - Must be properly labeled



# Open Meeting Minutes continued...

- *Approved Open Meeting Written Minutes: (2021 HB 293)*
  - *Must be posted on the public notice website, or*
  - *Posted on the entity website, with a link to the public notice website*
  - *... and public materials distributed at the meeting*



# Open Meeting Minutes continued...

---

- *Open Meeting Recordings must be:*
  - *Retained for 36 months **after** adoption of the written minutes.*

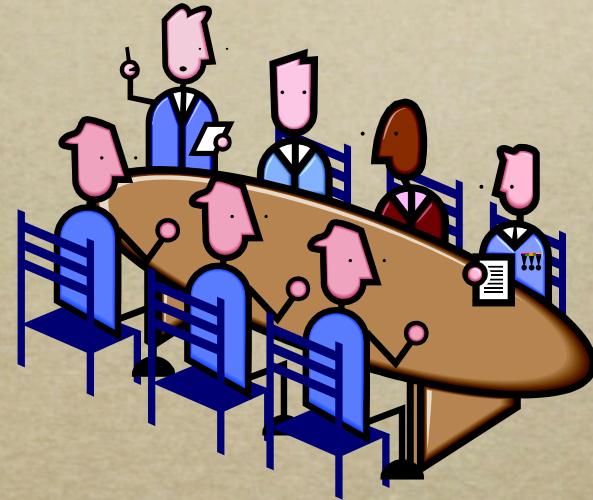


# Content of Open Meeting Minutes

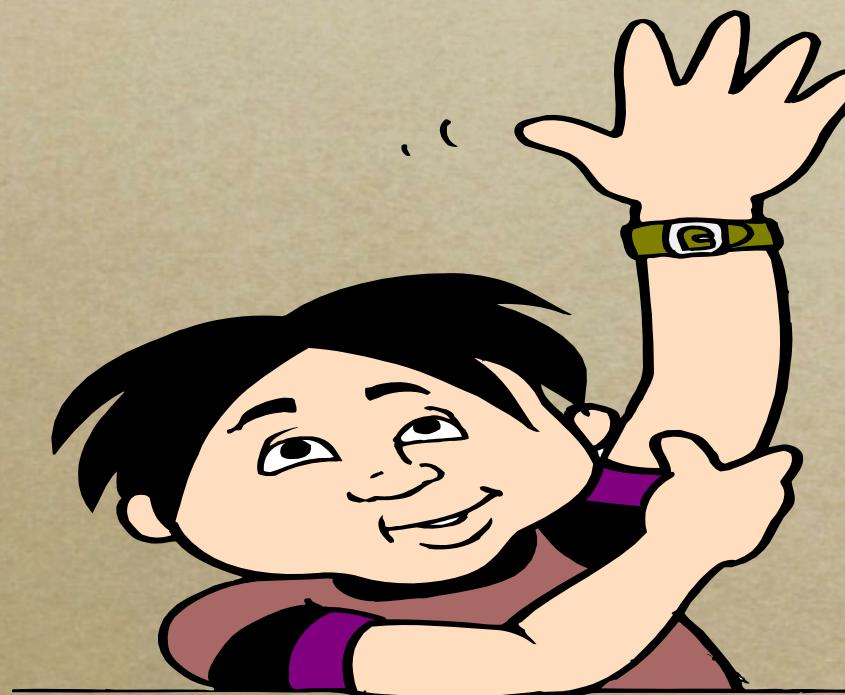
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*Open meeting minutes shall include:*

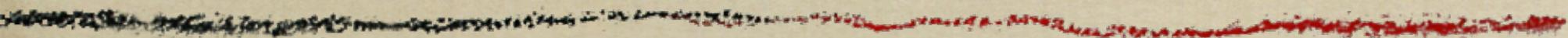
- *Votes taken by individual members;*
- *Names of all citizens who appeared and the substance of their testimony;*
- *Any other information that any member requests to be entered in the minutes.*



# Questions



# Utah Association of Special Districts



*LeGrand Bitter, Executive Director*

*801-614-0405 Office*

*801-725-1312 Cell*

*legrand@uasd.org*

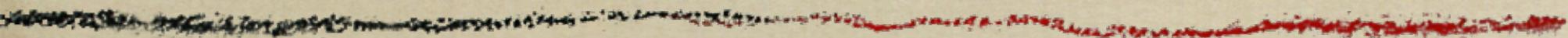
*Heather Anderson, Government Affairs Director*

*310-404-9966 Cell*

*heather@uasd.org*

*www.uasd.org*

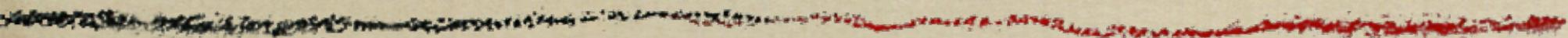
# Board Governance



## ■ *Legislative Auditor General Findings*

- *Lack of Acceptable Governance*
- *Inadequate Policies and Procedures*
- *Ineffective Standards or Performance Measures*
- *Insufficient Reporting Data*

# Board Governance

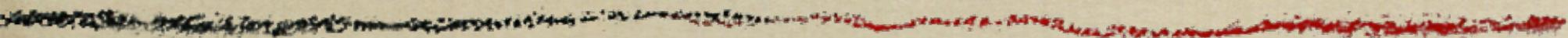


## ■ Acceptable Governance

### ■ *The Board Should...*

- *Establish Vision and Mission*
- *Insure Harmony between Mission and Functions established in Statute*
- *Establish Desired Outcomes*
- *Establish Policies and Procedures*
- *Avoid Micro-Management*
- *Review Overall District Performance*

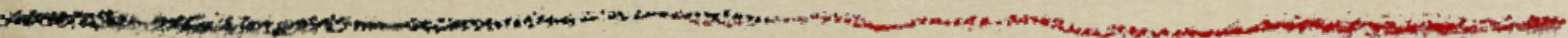
# Board Governance



## ■ *Inadequate Policies and Procedures*

- *Establish Clear Written Policies and Procedures.*
- *Periodically review to insure compliance with statute and harmony with mission.*
- *Insure that Policies and Procedures are understood and implemented.*

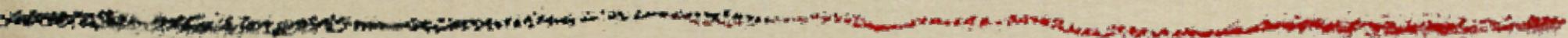
# Board Governance



## ■ *Ineffective Standards or Performance Measures*

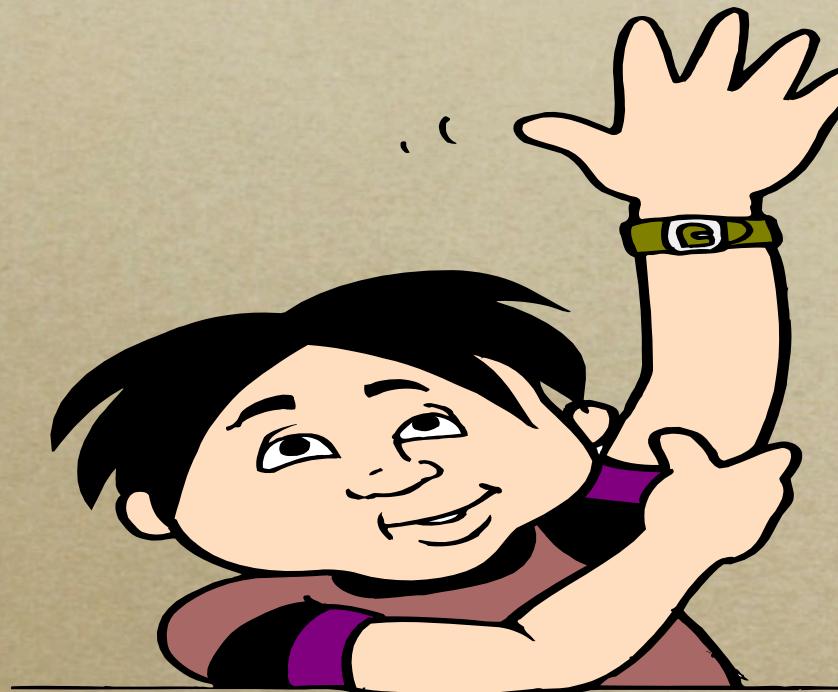
- *Establish effective standards and/or performance measures.*
- *Periodically review to insure effectiveness of standards and/or performance measures.*

# Board Governance

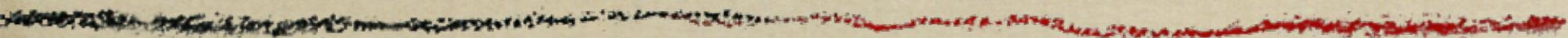


- *Insufficient Reporting Data*
  - *Evaluate available data.*
  - *Expand data gathering or data-system capability if necessary.*
  - *Structure data so as to effectively communicate the entity's effectiveness in achieving standards and/or performance measures.*

# Questions



# Utah Association of Special Districts



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*Heather Anderson, Government Affairs Director*

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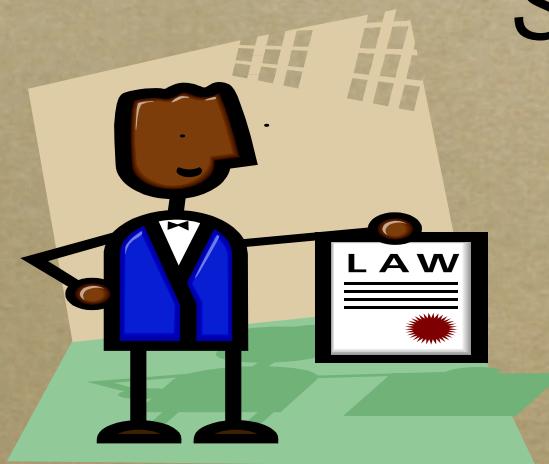
*www.uasd.org*

# Board Member Training - 2026

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for

*Special Service Districts &  
Special Districts*



*Utah Association of Special Districts*

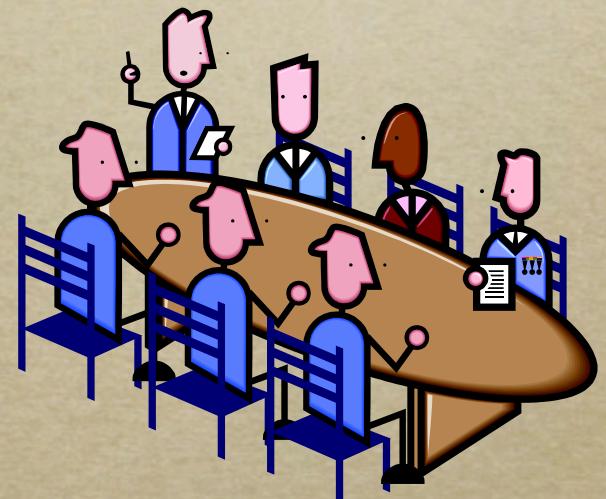
# Outline

- *Ethics*
- *Nepotism*
- *Transparency*
- *Government Records (GRAMA)*
- *Personnel*



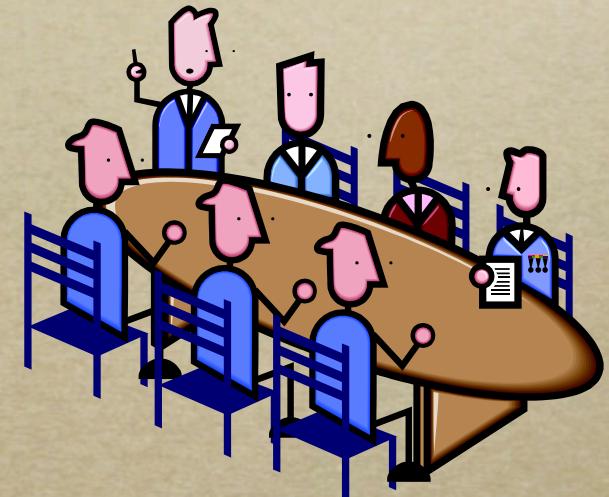
# Board Governance - Special Districts

- *Board Member Qualifications (17B-1-302)*
  - *Must be a registered voter at the location of the members residence*
  - *A resident within the boundaries of the district*
- *Exceptions - if over 50% of the residences are seasonally occupied homes...*
  - *Owner (or agent) of land within the district*
  - *Receives service from the district*



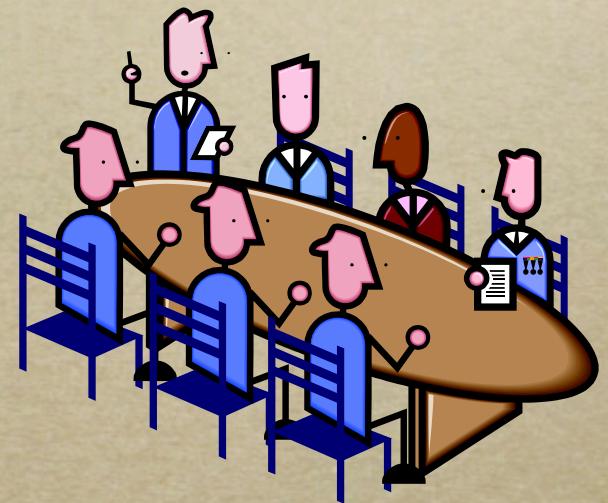
# Board Governance- Special Service Districts

- *Administrative Control Board Member Qualifications (17D-1-304)*
  - *Must be a registered voter within the special service district, or*
  - *An officer or employee of the creating entity*
- *Exceptions (17D-1-303 & 304)*
  - *At least 90% of real property owners are not registered voters within the SSD*
  - *Elected or appointed as provided in 17B-1 Part 3, Board of Trustees*
    - *Exception for Improvement Districts*



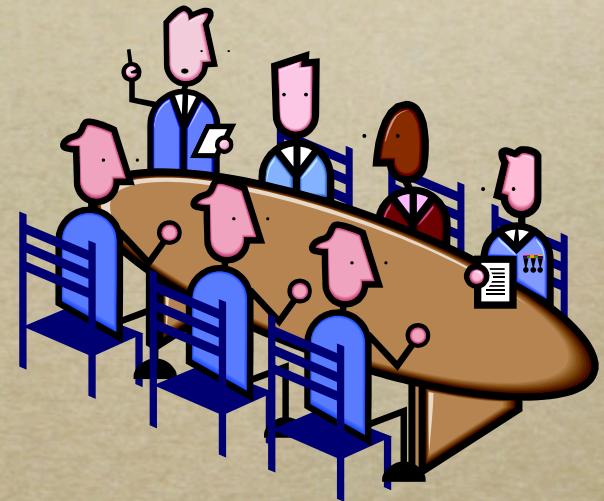
# Board Governance

- An appointing authority not subject to certain notice requirements “if” they appoint one of its own members.  
(2013 SB 200)      17B-1-304(6)



# Board Governance

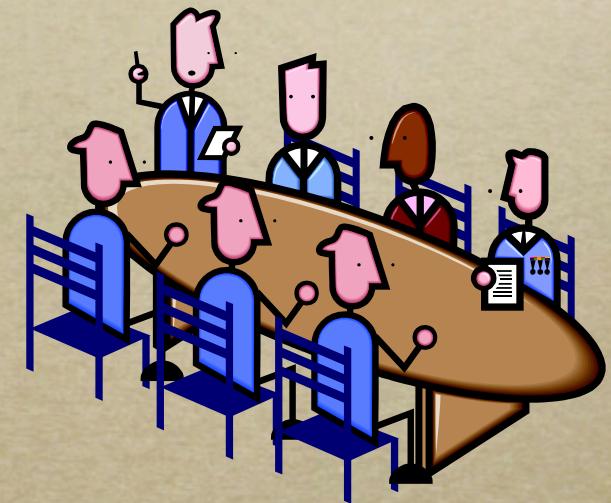
- *Appointed Boards*
  - *An appointing authority may divide the district into divisions to provide geographic representation (SB51 2014)*
- *Elected Boards*
  - *Elected boards may divide the district into divisions to provide geographic representation*



# Oath of Office

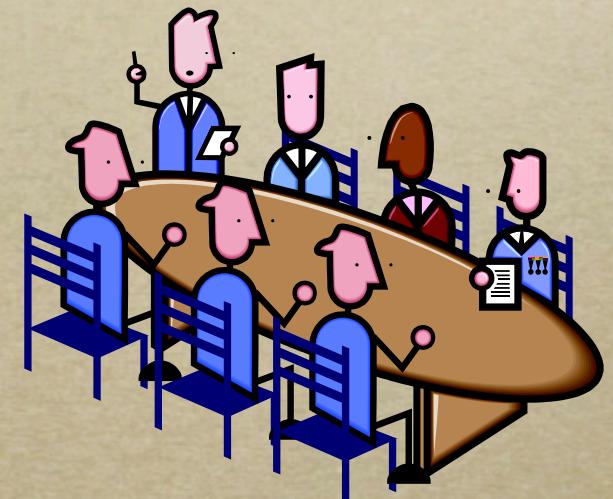
## Utah State Constitution Article IV, Section 10. [Oath of office.]

All officers made elective or appointive by this Constitution or by the laws made in pursuance thereof, before entering upon the duties of their respective offices, shall take and subscribe the following oath or affirmation:



# Oath of Office

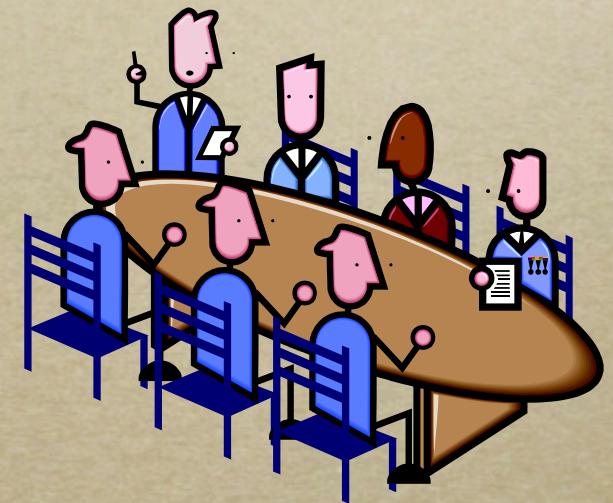
"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this State, and that I will discharge the duties of my office with *fidelity*."



# Oath of Office

“Fidelity” means...

“Faithfulness to a person, cause or belief, demonstrated by continuing loyalty, and support.”



# Board Member Qualifications

- *Utah Code 17B-1-311 prohibits a member of a board from being employed by the district, whether as an employee or under contract*



# Board Member Compensation

(Utah Code 17B-1-307)

- *A member of a board of trustees may receive compensation for service on the board, as determined by the board of trustees.*
- Plus per diem
  - ❑ *Rate established by Division of Finance*
- Plus expense reimbursement



# Board Member Compensation

(Utah Code 17B-1-307)

- *Before a board of trustees may adopt a compensation increase for a member of a board of trustees, the board of trustees shall:*
  - *Hold a public hearing on the compensation increase, and*
  - *publish notice of the time, place, and purpose to the public hearing;*
    - *for at least seven days before the date of the hearing; and*
    - *publish a Class A notice under Section 63G-30-102*



# Board Member Compensation

- *Reporting of compensation paid to board member:*
  - 1099 vs W-2
  - IRS Audits
  - Options
  - W-2 subject to statutory limitations



# *Board Member Compensation*

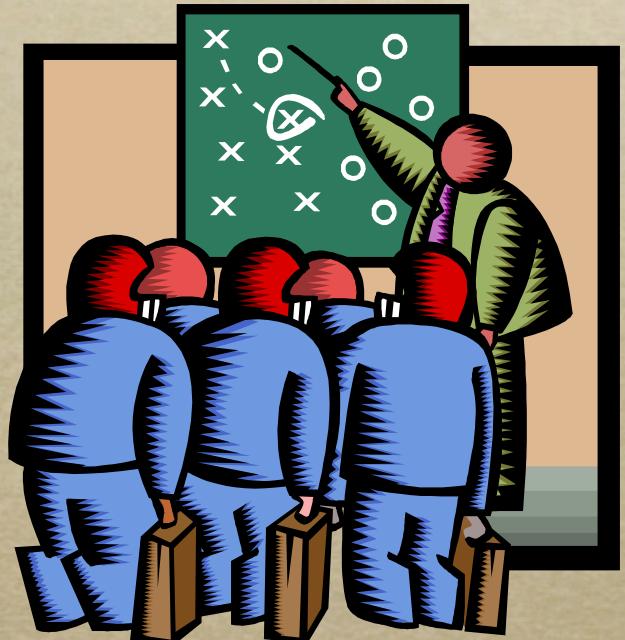
- Clarifies that if a district pays employer-matching taxes for a board member under board-member compensation, matching taxes do not constitute compensation under the statute. (2013 SB 200)  
17B-1-311(3)



# Public Official Contact Information

(Utah Code 11-47-103)

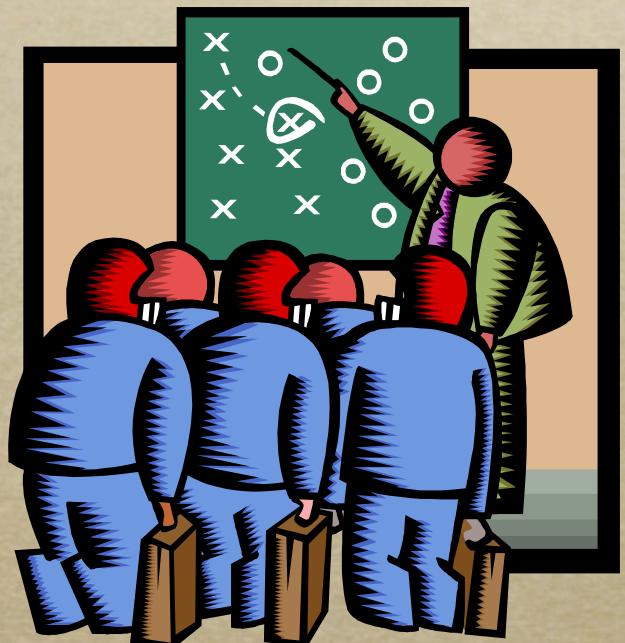
- *Requires that an elected official and community council member have:*
  - *Telephone number, if available, where they may be reached directly.*
  - *Email address, if available, where they may be reached directly.*
- *This information is a public record*



# Public Official Contact Information

(Utah Code 17B-1-303(9))

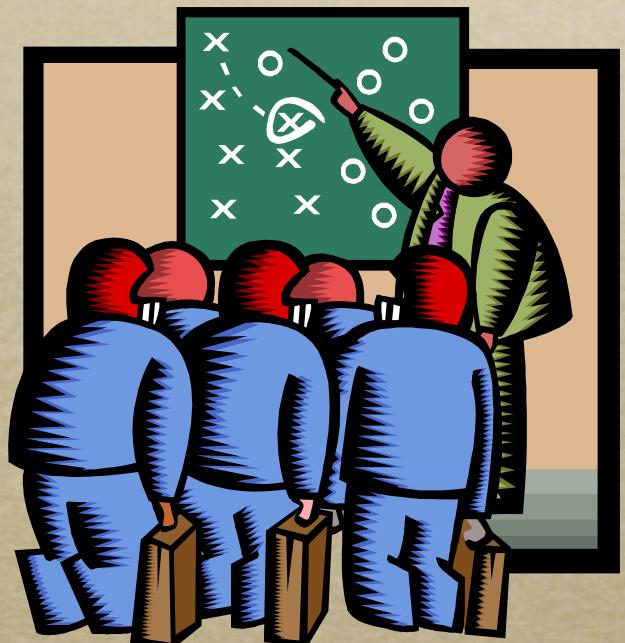
- *All special service and special service districts must post on the Utah Public Notice Website as of May 12, 2016:*
  - *Name of each member of the board of trustees, along with:*
  - *Telephone number*
  - *Email address*
- *Must update changes within 30 days*
- *Includes city and county appointees and elected officials* (SB99, 2016 Legislative Session)



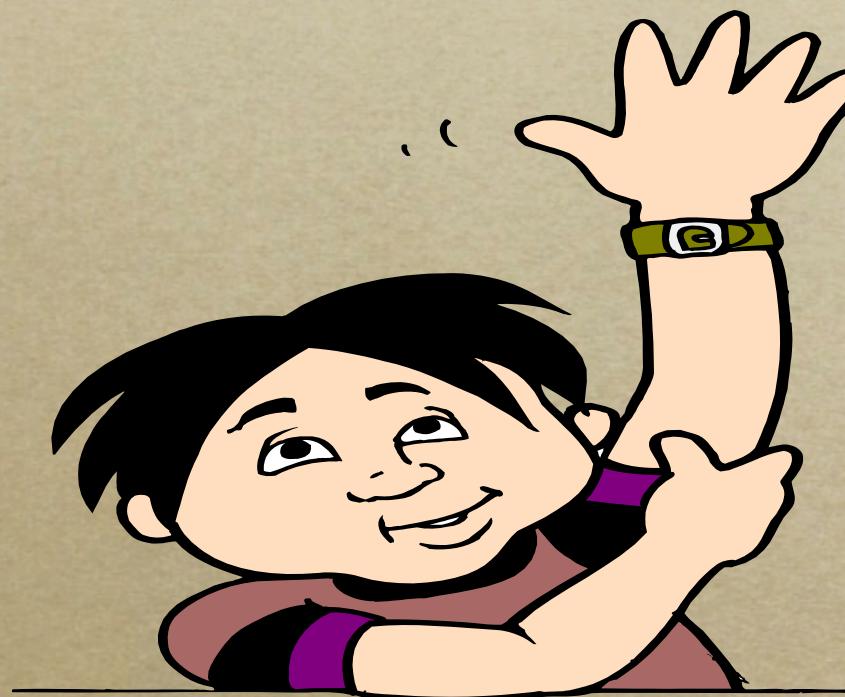
# Public Official Contact Information

(Utah Code 17B-1-303(9))

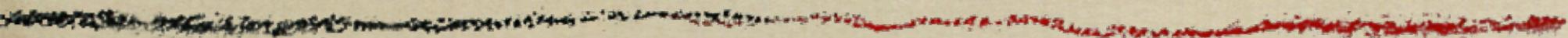
- *Government Entity Registry*
  - *Name of each member of the board of trustees, along with:*
  - *Telephone number*
  - *Email address*
  - *Additional information*
  - *Registration fee*
- *entityregistry.utah.gov*
- *June 30 registration deadline each year* (SB99, 2018 Legislative Session)



# Questions



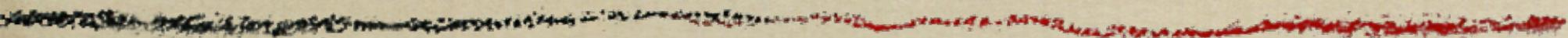
# Ethics



*We have committed the  
Golden Rule to memory;  
let us now commit it to life.*

*Edwin Markham*

# Ethics (*Utah Code 67-16*)



- *State Officers and Employees Ethics Act applies to:*
  - *public officers*
  - *public employees, and*
  - *legislators*

# Ethics (*Utah Code 67-16*)

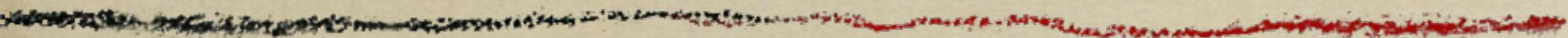
## *Cannot accept or solicit:*

*(Utah Code 67-16-5)*

- *Gifts*
  - ❑ Occasional non-cash gift of less than \$50 - okay
  - ❑ Award publicly presented for public service - okay
- *Compensation*
- *Loans*



# Ethics (*Utah Code 67-16-12, 14*)



## *Title 67 Utah Public Officers' and Employees Ethics Act*

- *Procurement Code - ethics provisions*
  - *Procurement Participants*
    - *Limited to \$50 value, once during procurement process - versus -*
  - *Procurement Professionals*
    - *Limited to \$10*

# Ethics (*Utah Code 67-16*)

## *Conflicts of Interest*

- *Require full disclosure*  
(*Utah Code 67-16-7*)
- *May not have personal investment in any business entity which will create a substantial conflict between private interests and public duties.* (*Utah Code 67-16-9*)



# Conflict of Interest Disclosure

- HB 80, Candidates and Officeholder Disclosure Modifications, Representative Paul Cutler (67-16-3, 6, 7, 16) lines 1896 - 2105
  - Applies to a special district or special service district trustee **IF** their district's annual budget is equal to or exceeds 10 times the revenue and expenditure amount described in Subsection 51-2a-201(1). (\$ threshold requirement to obtain an annual audit by a competent CPA is currently \$1M)

# Conflict of Interest Disclosure

- HB 80, Candidates and Officeholder Disclosure Modifications, Representative Paul Cutler (67-16-3, 6, 7, 16) lines 1896 - 2105
  - Requires an elected office holder of a political subdivision (district trustee) to annually file a conflict of interest disclosure statement.
  - Requires the clerk of a political subdivision to:
    - Post an electronic copy of the conflict of interest statement on the political subdivision's website, and -continued-

# Conflict of Interest Disclosure

- HB 80, Candidates and Officeholder Disclosure Modifications, Representative Paul Cutler (67-16-3, 6, 7, 16) lines 1896 - 2105
  - To provide the lieutenant governor's office with a link to the electronic posting
  - Lieutenant governor's office will provide a conflict of interest form
  - Requires the Lieutenant governor to post the link on the state conflict of interest disclosure website

-continued-

# Conflict of Interest Disclosure

- HB 80, Candidates and Officeholder Disclosure Modifications, Representative Paul Cutler (67-16-3, 6, 7, 16) lines 1896 - 2105
  - ◆ Standardizes the monetary amount that triggers an elected officer's disclosure obligation (total value of the substantial interest exceeds \$5,000. 67-16-7(4)(a))
  - ◆ Establishes penalties of class B misdemeanor and a \$100 civil penalty for an elected officer who fails to timely file a conflict of interest disclosure statement. Must report to attorney general.

# Ethics (*Utah Code 67-16*)

## *Ethics Violations*

- *Private Business*  
*-versus-*
- *Government Service*



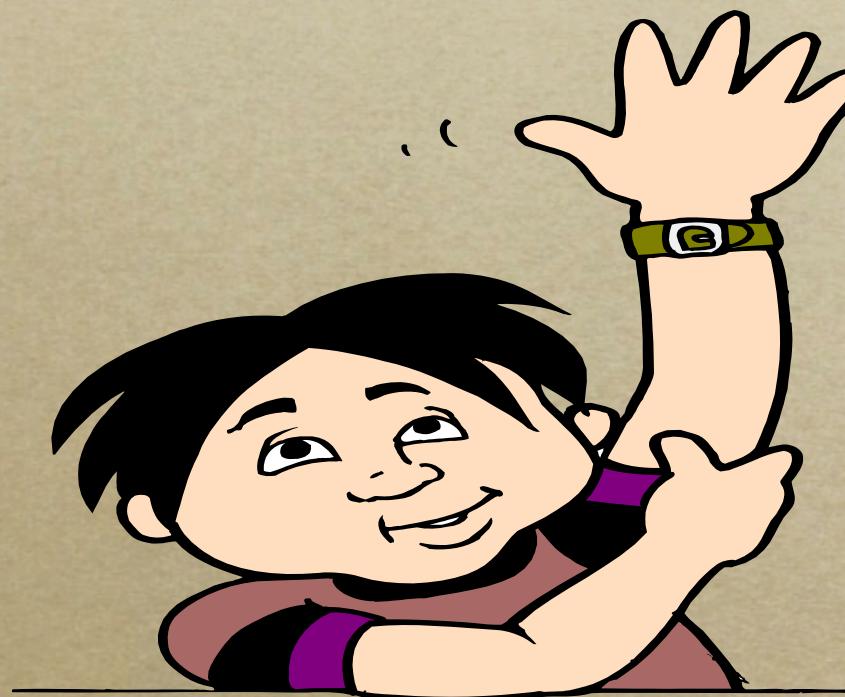
# Ethics (*Utah Code 67-16-12, 14*)

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- *Penalties:*
  - *Termination of employment*
  - *Removal from office*
  - *2nd degree felony, if total value of compensation, etc., exceeds \$1,000*



# Questions



# General Items *(Utah Code)*

- *Lobbying Requirements*
  - *Apply to all local Government Officials*

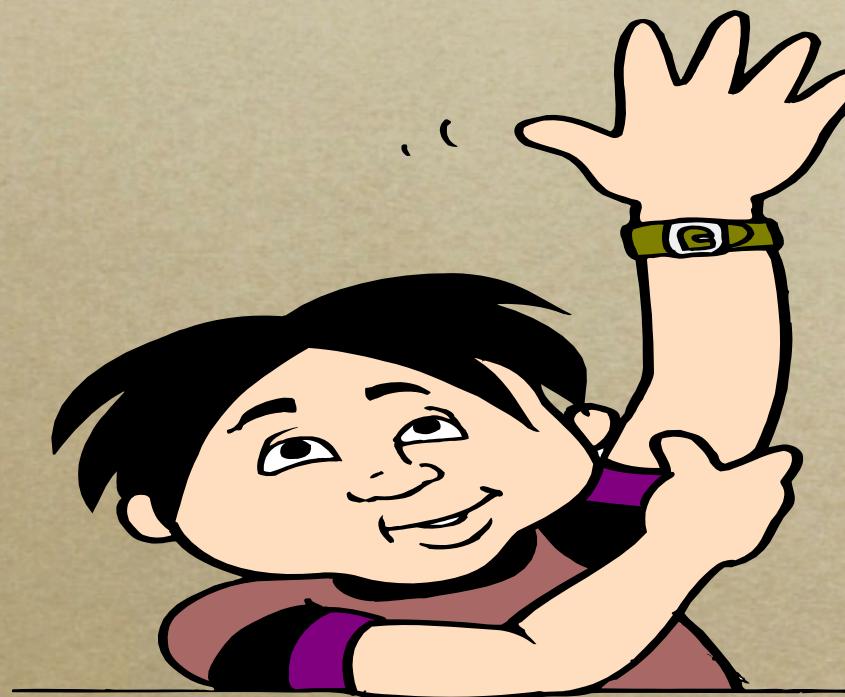


# General Items *(Utah Code)*

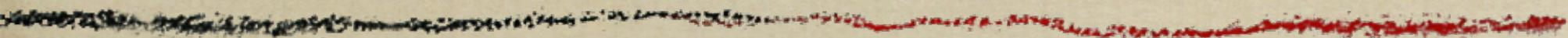
- *Use of Government Property*
  - *HB 163, 2019 Legislative Session*
  - *2nd Degree felony, if no policy is in place under certain circumstances*



# Questions



# Nepotism



*We promote family values here  
almost as often as we promote  
family members.*

*Larry Kersten*

# Nepotism (Utah Code 52-3-1)

- *Public officer may not employ, appoint, vote for, or recommend a relative for employment*
- *Public officer may not directly supervise a relative*



# Nepotism

(Utah Code 52-3-1 (1) (d))

## Relative Defined

- *father, mother*
- *husband, wife*
- *son, daughter*
- *sister, brother*
- *grandfather, grandmother, grandson, granddaughter*
- *aunt, uncle*
- *nephew, niece*
- *first cousin*
- *mother-in-law, father-in-law*
- *brother-in-law, sister-in-law*
- *son-in-law, daughter-in-law*



# Nepotism (Utah Code 52-3-4)

- *Exceptions In Towns & Rural Areas*
  - *In a town, this chapter shall not apply to the employment of uncles, aunts, nephews, nieces, or cousins.*
  - *(2) This chapter shall not apply to the employment of a relative if:*
    - *(a) fewer than 3,000 people live within 40 miles of the primary place of employment.*
    - *(b) the job opening has had reasonable public notice; and*
    - *(c) the relative is the best qualified candidate for the position.*

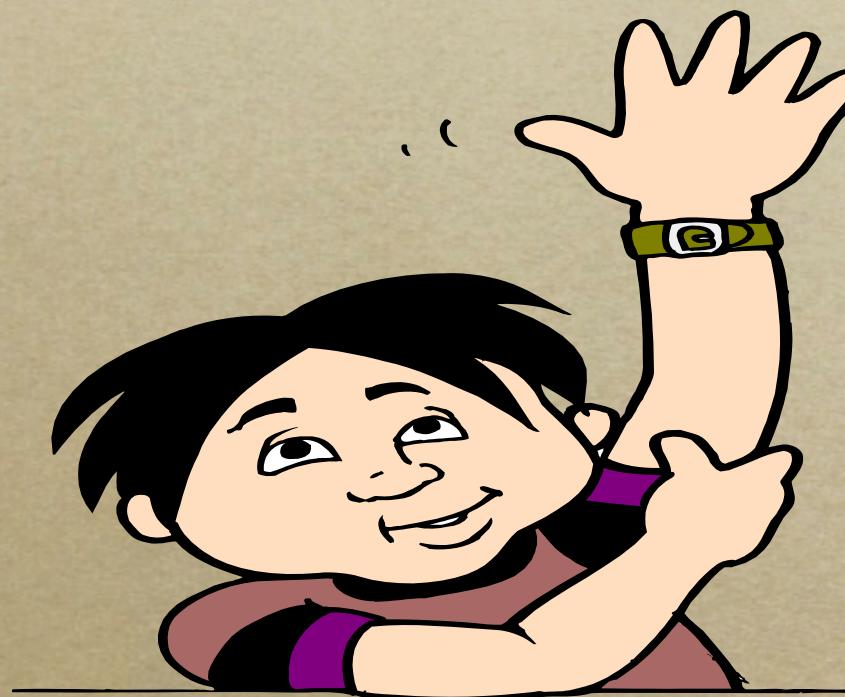


# Nepotism (Utah Code 52-3-2 & 3)

- *Penalties*
  - *Each day a relative is retained in office represents a separate offense.*
  - *Each violation of this section is a misdemeanor offense.*



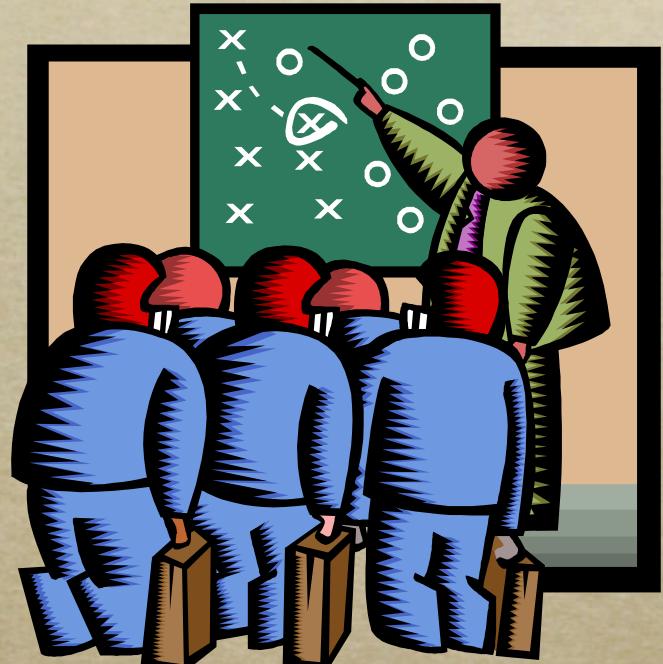
# Questions



# Special District Fee Assessment

(17B-1-643)

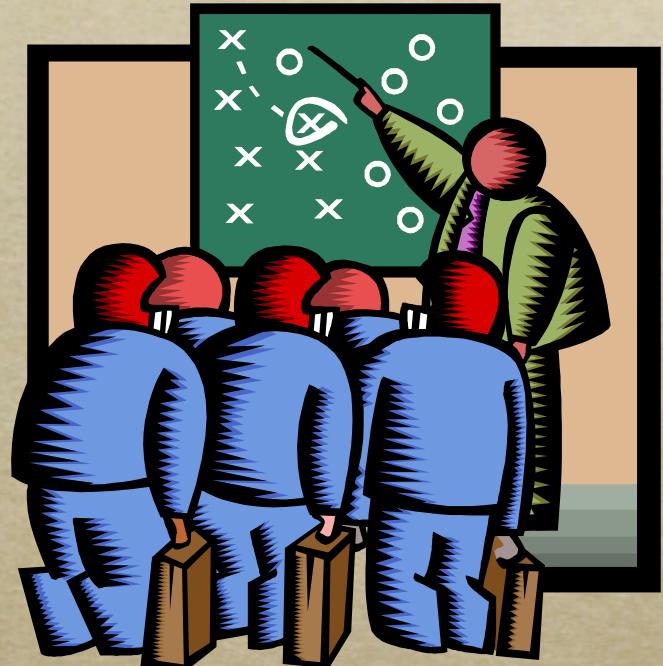
- *Must provide required notice and hold a public hearing to imposing or increasing a fee for a service provided by a special service district or a special district*



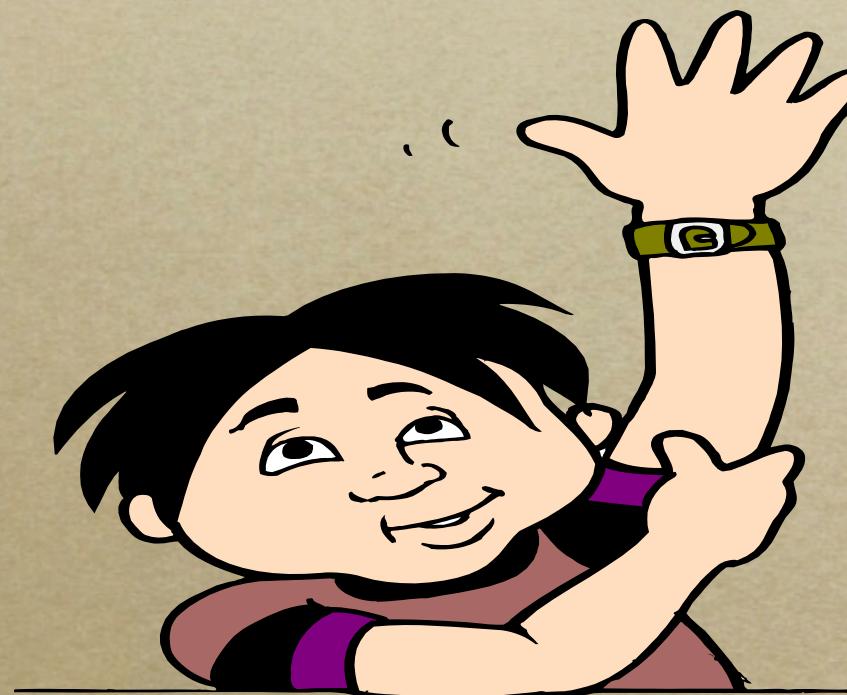
# Special District Fee Assessment

(17B-1-643)

- *When increasing or imposing a fee, the district must demonstrate and justify the need for the fee or increase.*



# Questions



# District Transparency Requirements

*(Utah Code 63A-3)*

---

## *Transparency in Government*

- *Utah Public Finance Website*
  - *transparent.utah.gov*
- *Utah Transparency Advisory Board*
  - *Established policy governing transparency guidelines and requirements*



# District Transparency Requirements

*(Utah Code 63A-3)*

---

## *Utah Transparency Website*

- *Special District and Special Service District Compliance*
  - *Applies to all political subdivisions*
  - *Payroll information*
  - *Expenditure information*



# District Transparency Requirements

*(Utah Code 63A-3)*

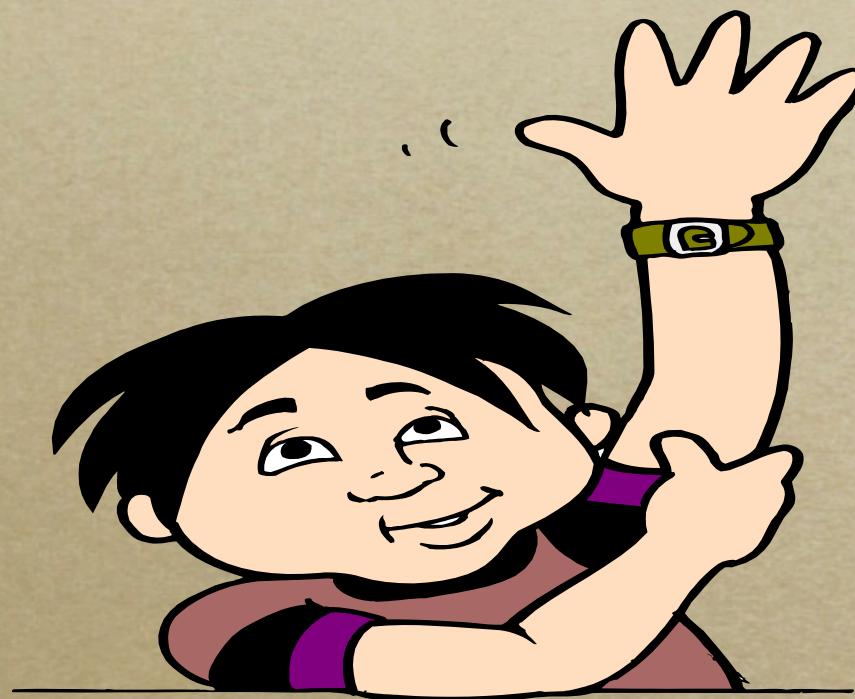
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## *Contact Information*

- *Contact Utah State Auditor*
  - *[transparency@utah.gov](mailto:transparency@utah.gov)*
  - *Darrel*



# Questions



# Personnel Policy

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*Utah Code requires:*

- *Districts with full or part-time employees to have a policy.*
- *Small districts (annual revenues less than \$50,000) without full or part-time employees do not need a policy.*



# Personnel Policy (17B-1-802)

---

*Utah Code requires:*

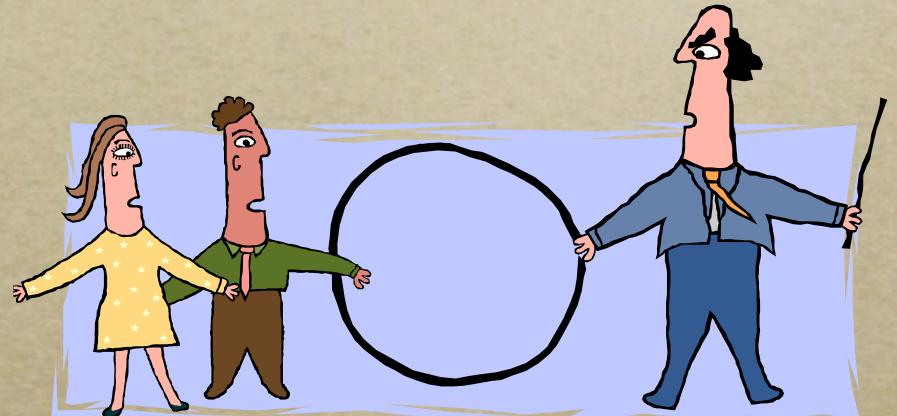
- *Districts to annually review personnel policies to ensure conformance to state and federal law.*



# Personnel

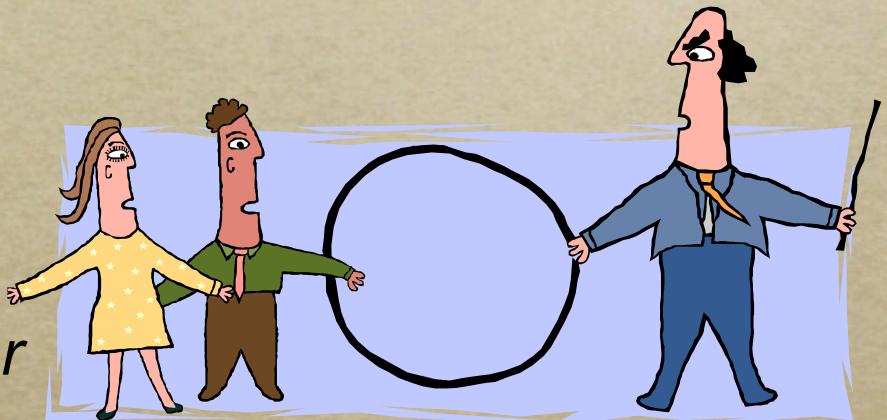
*A personnel policy should consider:*

- *Comprehensive leave policy*
  - *Vacation*
  - *Sick*
  - *Holiday*
  - *Family Medical Leave*
  - *Approval process*
- *Reimbursement of expenses:*
  - *Mileage*
  - *Meals and Lodging*
  - *Uniforms*



# Personnel

- *Grievance and appeals procedures*
- *Work hours, and overtime pay*
- *Reporting of and procedures for addressing accidents*
- *Sexual Harassment*
- *Drug Policy*



# Personnel Issues

*Note: Job Listings (SB22 2014)*

- *All government entities must post all public job postings on the website maintained by the Department of Workforce Services*
- *Does not apply to positions filled internally*



# Personnel Policy

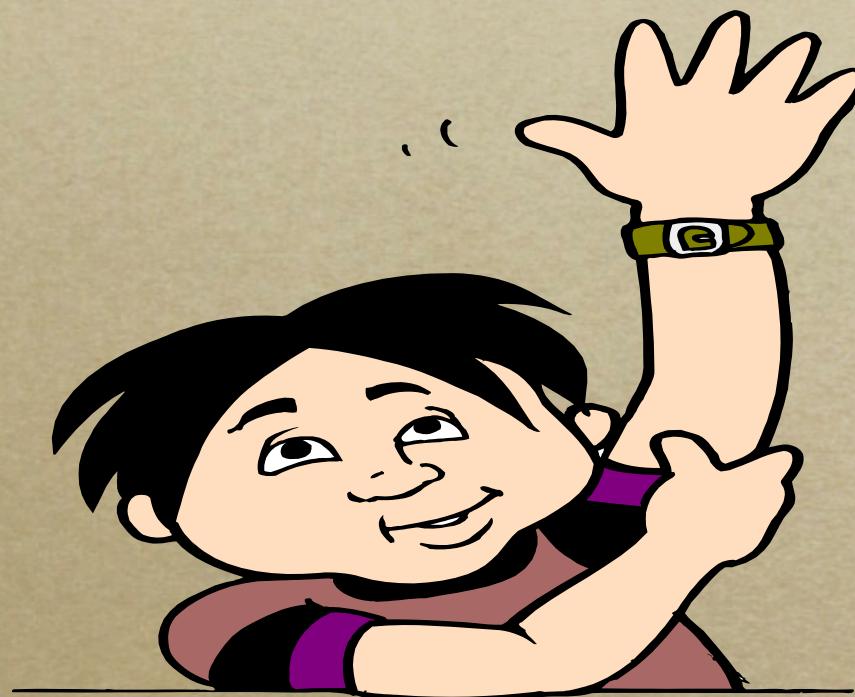
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*UASD has made available  
personnel-manual  
templates for districts*

- *At-will employee manual  
template*
- *Merit employee manual  
template*



# Questions



# GRAMA (Title 63G-2)

*The Act recognizes two constitutional rights:*

- 1. The public's right to access information concerning the conduct of the public's business.*
- 2. The right of privacy in relation to personal data gathered by governmental entities.*



# Four Categories of Records

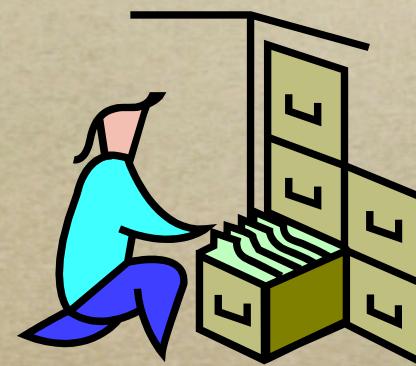
- *Public*
- *Private*
- *Controlled*
- *Protected*



# Public Records

*Records which are open to everyone include:*

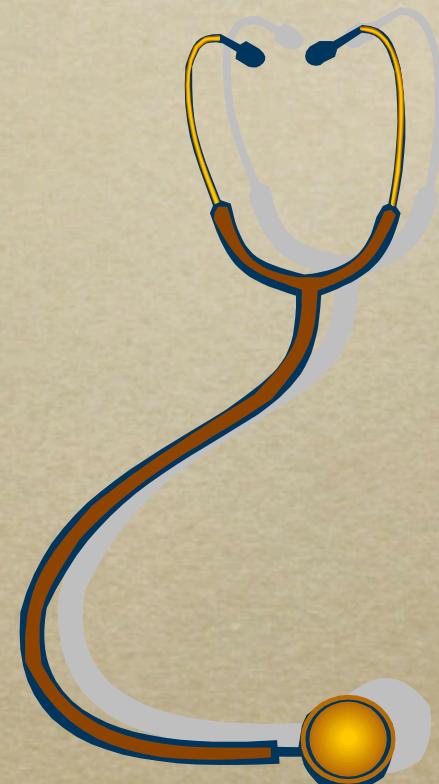
- *minutes from open meetings*
- *compensation paid to a contractor*
- *names, gender and gross compensation paid to public employees.*



# Private Records

*Information about individuals that may only be accessed by those individuals and others specified in UCA 63-2-202.*

- *Unemployment insurance, social services and welfare benefits.*
- *Medical history, diagnosis, condition, treatment, evaluation (medical records).*
- *Public employees home address, home telephone number, social security number, marital status.*



# Controlled Records

*Records that may only be released to certain individuals such as social workers and health care providers and may not be disclosed to the individual to whom they pertain.*

- *Medical, psychiatric, or psychological data*
- *Information detrimental to the subject's mental health or to the safety of any individual.*



# Protected

*Non-personal data that may only be released to the person who submitted the information.*

- *Trade secrets*
- *Test questions and answers*
- *Records that would jeopardize the life or safety of an individual*
- *Records that would jeopardize the security of a correctional facility*



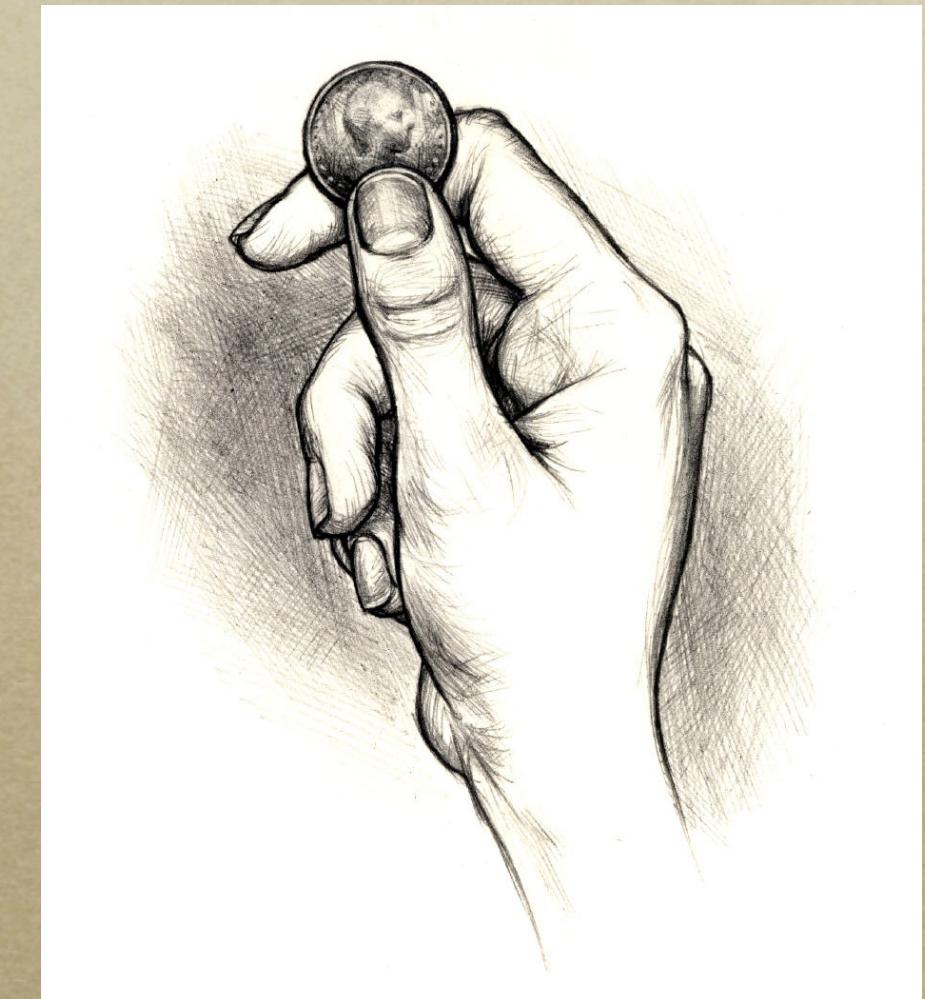
# Access

- *Do not allow individuals to thumb through records*
- *Requests should be specific*
- *Recommended that records requests be in writing*



# Fees

- *Adopt a uniform fee structure which could include charges for:*
  - *making copies or*
  - *an hourly research fee*
- *Fees should cover costs and be reasonable*



# Record Retention

<b>Record</b>	<b>Classification</b>	<b>Retention</b>
<i>Meeting Minutes</i>	<i>Public</i>	<i>Permanent</i>
<i>Meeting Agenda</i>	<i>Public</i>	<i>2 Years</i>
<i>Annual Financial Reports</i>	<i>Public</i>	<i>Permanent</i>
<i>Budgets</i>	<i>Public</i>	<i>Permanent</i>
<i>Bank Statements</i>	<i>Public</i>	<i>4 Years</i>
<i>General Ledger</i>	<i>Public</i>	<i>10 Years</i>

## Record Retention continued ...

<b>Record</b>	<b>Classification</b>	<b>Retention</b>
<i>Timesheets</i>	<i>Public</i>	<i>3 Years</i>
<i>A/R &amp; A/P</i>	<i>Public</i>	<i>4 Years</i>
<i>Deposit Slips</i>	<i>Public</i>	<i>4 Years</i>
<i>Check Register</i>	<i>Public</i>	<i>7 Years</i>
<i>Receipt Books</i>	<i>Public</i>	<i>3 Years</i>
<i>Fixed Asset Lists</i>	<i>Public</i>	<i>10 Years</i>

# Training

*Chief Administrative Officer  
shall: (UCA 63A-12-103(3))*

- Ensure that all officers and employees of the governmental entity that receive or process records requests receive required training on the procedures and requirements of GRAMA*



# GRAMA Questions?

- *What storage services are available?*
- *What training is available?*
- *Where can I obtain useful forms?*
- *How to handle record requests?*
- *How long to keep records?*
- *How can I obtain assistance?*



[www.archives.state.ut.us](http://www.archives.state.ut.us)

*Utah Association of Special Districts*

# GRAMA Questions?

*Contact Information for Special  
Districts and Special Service  
Districts:*

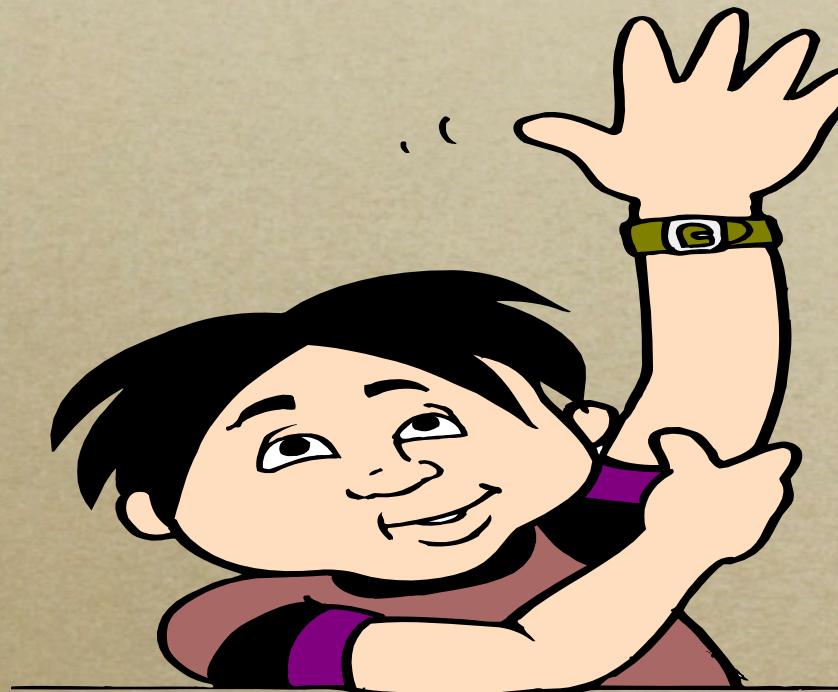
*Monica Minaya*

*385-227-1226*

*[mminaya@utah.gov](mailto:mminaya@utah.gov)*



# Questions



# Utah Association of Special Districts

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*LeGrand Bitter, Executive Director*

*801-614-0405 Office*

*801-725-1312 Cell*

*legrand@uasd.org*

*Heather Anderson, Government*

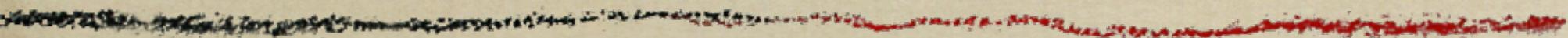
*Affairs Director*

*310-404-9966 Cell*

*heather@uasd.org*

*www.uasd.org*

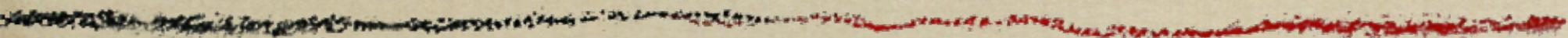
# Board Governance



## ■ *Legislative Auditor General Findings*

- *Lack of Acceptable Governance*
- *Inadequate Policies and Procedures*
- *Ineffective Standards or Performance Measures*
- *Insufficient Reporting Data*

# Board Governance

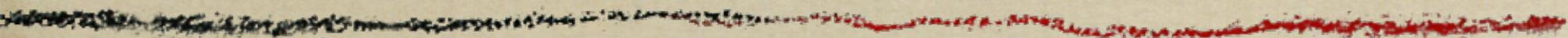


## ■ Acceptable Governance

### ■ *The Board Should...*

- *Establish Vision and Mission*
- *Insure Harmony between Mission and Functions established in Statute*
- *Establish Desired Outcomes*
- *Establish Policies and Procedures*
- *Avoid Micro-Management*
- *Review Overall District Performance*

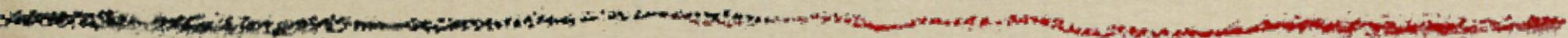
# Board Governance



## ■ *Inadequate Policies and Procedures*

- *Establish Clear Written Policies and Procedures.*
- *Periodically review to insure compliance with statute and harmony with mission.*
- *Insure that Policies and Procedures are understood and implemented.*

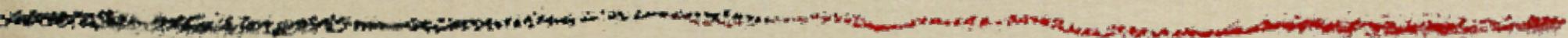
# Board Governance



## ■ *Ineffective Standards or Performance Measures*

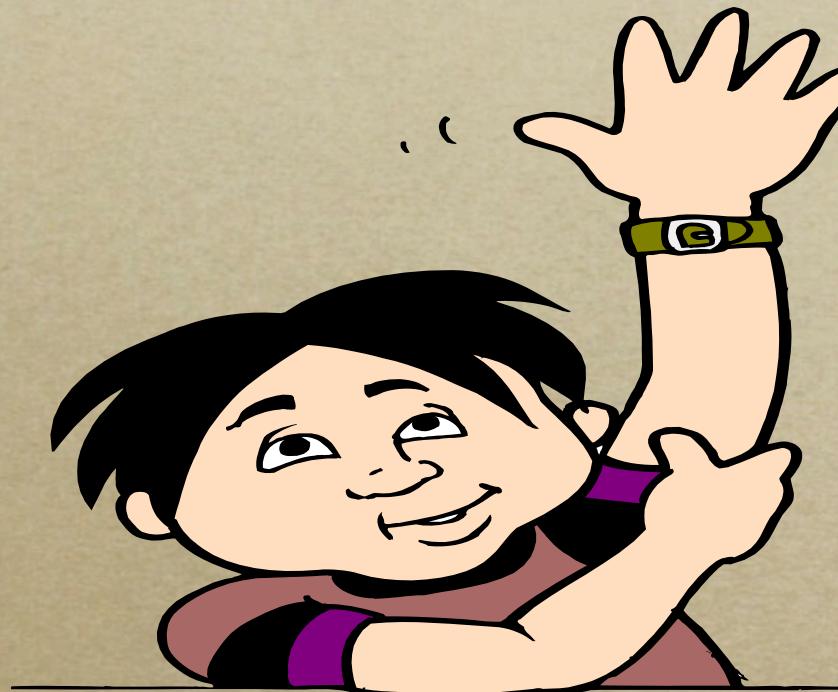
- *Establish effective standards and/or performance measures.*
- *Periodically review to insure effectiveness of standards and/or performance measures.*

# Board Governance

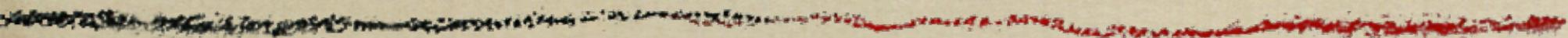


- *Insufficient Reporting Data*
  - *Evaluate available data.*
  - *Expand data gathering or data-system capability if necessary.*
  - *Structure data so as to effectively communicate the entity's effectiveness in achieving standards and/or performance measures.*

# Questions



# Utah Association of Special Districts



*LeGrand Bitter, Executive Director*

*801-614-0405 Office*

*801-725-1312 Cell*

*legrand@uasd.org*

*Heather Anderson, Government Affairs Director*

*310-404-9966 Cell*

*heather@uasd.org*

*www.uasd.org*