



COPPERTON TOWN COUNCIL MEETING

MARCH 18, 2026, 6:30 PM
BINGHAM CANYON LIONS CLUB
8725 HILLCREST STREET, COPPERTON, UTAH 84006

COPPERTON TOWN COUNCIL MEETING MINUTES MARCH 18, 2026

Council Members Present:

Sean Clayton, Mayor
Tessa Stitzer, Mayor Pro Tempore
Linda McCalmon, Council Member
Jonathan Pratt, Council Member

Council Members Excused:

Kathleen Bailey, Council Member

Staff Present:

Nathan Bracken, Legal Counsel
Diana Baun, Town Clerk
Daniel Hoffman, Accounting Manager
Dan Torres, Economic Development Manager
Chet Jensen, UFA
Chief Del Craig, UPD

Others Present:

1. REGULAR COUNCIL MEETING

Mayor Sean Clayton presiding, called the meeting to order at 6:30 PM and noted Council Member Kathleen Bailey was absent, but a quorum was present.

The Pledge of Allegiance was recited.

2. COMMUNITY INPUT

a. Recognize Visiting Officials – None

b. Unified Fire Authority (UFA)

Chet Jensen, Engineer with Unified Fire Authority, reported that Chief Bogenschutz had asked him to attend the meeting and convey that there were eight service calls in February. He also

COPPERTON COUNCIL MEMBERS

MAYOR SEAN CLAYTON, MAYOR PRO TEMPORE TESSA STITZER,
COUNCIL MEMBER KATHLEEN BAILEY, COUNCIL MEMBER LINDA MCCALMON,
COUNCIL MEMBER JONATHAN PRATT

informed the council that the annual pancake breakfast was scheduled for May 9 from 8:00 a.m. to 11:00 a.m., with additional details to be provided as the date approached. He concluded that this was the entirety of the information he had been asked to share.

Mayor Sean Clayton inquired whether a banner would be placed in front of the fire station to advertise the event, noting the visibility advantage due to the limited routes in and out of town. Council Member Tessa Stitzer responded that communication had already occurred regarding the banner and confirmed that arrangements were in place. Mayor Sean Clayton further remarked that the location would effectively capture attention from residents, and it was stated that Kathleen Bailey would also promote the event on Facebook.

c. Unified Police Department (UPD)

Chief Del Craig reported that Detective Lechuga had transferred to patrol, and George Jeknavorian would be assuming her previous duties. He stated confidence in George Jeknavorian's ability to serve the community effectively. Chief Del Craig also presented the call volume for February, noting there were 15 calls, which was five fewer than the same period the previous year. These calls resulted in two cases, and he characterized the month as positive, adding that the current month was also progressing well.

Mayor Sean Clayton raised a concern about recent activity near the park, where white supremacist signs had been posted on poles directing individuals to a website. He stated that the signs had since been removed and requested continued monitoring in case similar incidents occurred again.

Chief Del Craig responded that they were aware of the issue and noted that there had also been instances of swastika graffiti in Magna, though it was unclear whether the incidents were connected. He affirmed that such postings were not permitted and reiterated that any illegally placed signs would be removed upon discovery. When asked by the Mayor if any additional signs had been seen, Chief Del Craig confirmed that none had been observed since the initial incident.

Mayor Sean Clayton remarked that the lack of further postings suggested the individuals responsible may have stopped. Chief Del Craig added that a similar sign had appeared in Magna but was no longer present when he returned to check on it.

3. WORKSHOP DISCUSSION

a. Preliminary Town budget FY2027

Accounting Manager Daniel Hoffman explained that the meeting was intended as a budget workshop to develop a draft for the upcoming fiscal year, emphasizing that the figures discussed were preliminary and not final. He stated that the goal was to reach approximately 95% completion, with flexibility to make adjustments over the following three to four weeks. He described the budget document structure, noting that it included Fiscal Year 2025 actuals, Fiscal Year 2026 year-to-date figures, and proposed Fiscal Year 2026 budget numbers, which would guide decisions for the Fiscal Year 2027 budget.

Town Attorney Nathan Bracken clarified that the process was part of preparation for the tentative budget. Mayor Sean Clayton proposed lowering the SB 136 sales tax projection to \$16,000 due to limited historical data, while still acknowledging overall sales tax stability. Daniel Hoffman also introduced a new county public transit tax revenue source distributed proportionally to municipalities.

Mayor Sean Clayton and Council Member Tessa Stitzer reviewed several revenue and classification items, including planning services, business licenses, and code enforcement fines. They agreed that certain items, such as code enforcement fines, should be reclassified under justice court fines. Discussion also addressed the variability of permit-related revenues, which were described by Daniel Hoffman as inconsistent and difficult to predict.

Mayor Sean Clayton led a detailed discussion on interest earnings, recommending a reduction to \$10,000 due to anticipated declining interest rates and reduced balances as funds are spent. Council Member Linda McCalmon sought clarification, and the Mayor explained the impact of Federal Reserve rate changes and projected declines in returns from the Public Treasurers' Investment Fund (PTIF).

The council reviewed administrative expenses, where discrepancies in wage calculations were identified. Daniel Hoffman explained that updated formulas reflected actual compensation multiplied across the year, and adjustments were made to align wages more accurately at approximately \$66,000, with payroll processing costs separated for transparency. Council Member Tessa Stitzer emphasized the importance of clarity for public understanding.

Additional expense categories were examined, including subscriptions, software, travel mileage, insurance, and facility rental costs. Council Member Tessa Stitzer questioned the necessity of certain line items, such as travel mileage, and Mayor Sean Clayton confirmed that mileage reimbursements were not commonly used. The council also discussed worker's compensation requirements, ultimately acknowledging prior determinations that such coverage was required.

Mayor Sean Clayton explained increases in rent due to updated fee structures from the Lion's Club and clarified utility cost arrangements. Technology expenses were reviewed in detail, including website hosting, Zoom subscriptions, and communication platforms. The council agreed to discontinue their Zoom subscription since Municipal Services District resources were available, and they planned to phase out the .org email system to reduce costs, transitioning fully to the .gov domain while archiving records for compliance.

Council Member Jonathan Pratt offered to assist with resolving website security certificate issues, and Council Member Tessa Stitzer coordinated efforts to preserve and transfer records, particularly for cemetery-related communications. Adjustments were made to reallocate funds between software and website development to address anticipated technical needs.

The council discussed equipment expenses and agreed to retain a contingency amount for potential computer replacements while noting that a television had been secured through

donation. Daniel Hoffman also introduced a compliance requirement that permit and license revenues must be matched with corresponding expenses, ensuring the city does not overcharge beyond service costs.

Mayor Sean Clayton reviewed additional revenue sources, including the state-distributed beer tax, explaining its purpose in funding public safety education programs. Remaining COVID-related funds totaling \$21,460 were acknowledged as available for future city projects, though no specific allocation was determined.

Daniel Hoffman concluded by reiterating that further revisions could be made before the tentative budget presentation and committed to distributing updated documents. The council acknowledged the ongoing, multi-step budget adoption process, including future public hearings and approvals.

b. Process for Handling Donation Requests

Council Member Tessa Stitzer began the discussion regarding the process for handling donation requests, referencing a prior request from a volunteer firefighter seeking funding for Fourth of July races. She explained that while the council had been supportive, there was uncertainty about the correct procedure and who such individuals should be directed to for completing the request process.

Mayor Sean Clayton and Town Attorney Nathan Bracken discussed how other municipalities handle similar requests, with Nathan Bracken recommending the establishment of a formal policy. He explained that smaller donations, particularly those under \$1,000, typically require minimal documentation and can be approved with a simple acknowledgement, whereas larger donations may require formal agreements and reporting, especially if exceeding \$25,000 due to auditor requirements. Council Member Tessa Stitzer proposed a structured approach in which applicants would present their request to the council, receive approval, and then be directed to finance staff for processing.

Mayor Sean Clayton suggested modifying the process so that applicants first obtain and complete the required form, then present it to the council with supporting documentation before a decision is made. Once approved, the form would be signed and forwarded for payment. This approach was intended to streamline the process and avoid unnecessary back-and-forth steps.

Discussion also addressed eligibility concerns, particularly whether requesting organizations held nonprofit status under IRS classifications such as 501(c)(3). Mayor Sean Clayton expressed hesitation about approving cash donations to entities without such status, citing concerns about setting precedents and increasing the number of requests. Council Member Tessa Stitzer acknowledged this concern but noted the need for consistent criteria to guide decisions and prevent confusion when responding to community inquiries.

Nathan Bracken emphasized the importance of establishing objective evaluation criteria to ensure fairness and consistency in decision-making. He suggested that some municipalities

allow smaller donations to be handled administratively under defined criteria, while others require all requests to go before the council.

Council Member Tessa Stitzer highlighted the need for a clear and streamlined process that council members could consistently communicate to the public. She referenced past situations, including material purchases for community projects, noting the distinction between providing direct funding and purchasing materials on behalf of a project.

Mayor Sean Clayton directed that the matter be placed on a future agenda for workshop discussion, where the council would review the existing form, develop criteria, and formalize a policy. Town Clerk Diana Baun agreed to coordinate with Council Member Tessa Stitzer to obtain and review the current form in preparation for that discussion. The council expressed agreement on the need to establish a clear, standardized process to ensure efficiency and consistency in handling donation requests.

4. CONSENT AGENDA

- a. Approve Council Meeting Minutes
 - i. February 18, 2026

Council Member Stitzer moved to approve the February 18, 2026 Council Meeting Minutes as published. Council Member McCalmon seconded the motion; vote was 4-0, unanimous in favor with Council Member Bailey absent from the vote.

- b. Fiscal Items
 - i. Approval of expenditures
 - ii. Acknowledgment of Monthly Financial Report

Mayor Clayton asked for approval of \$4,462 in legal fees for February. He also encouraged council members to contact Daniel Hoffman directly with questions or concerns on the financial reports, noting he was quick to respond and happy to help.

Council Member Stitzer moved to approve the Consent Agenda Fiscal Items above as discussed. Council Member McCalmon seconded the motion; vote was 4-0, unanimous in favor with Council Member Bailey absent from the vote.

5. PRESENTATION ITEMS - None

6. PUBLIC HEARING ITEMS - None

7. COUNCIL BUSINESS

- a. Transfer of Copperton Park from the County to the Town

Nathan Bracken had no current updates. Mayor Sean Clayton stated that he would follow up with the County and MSD regarding the ongoing matter, noting that they were actively addressing the issue. He added that Town Attorney Nathan Bracken would be included in further communication if necessary, explaining that he preferred to involve

legal counsel to ensure discussions remained appropriate, particularly when dealing with other attorneys.

Mayor Sean Clayton expressed hope that the matter could be resolved and ownership of the park transferred to the town. He noted that achieving this outcome in time for the town's 100th anniversary would be especially meaningful, as it would allow the town to formally own its own park.

b. Discussion and Potential Action Regarding **Resolution R2026-05**, Adopting a Personnel Policy for the Town of Copperton

Town Attorney Nathan Bracken explained that his firm had begun recommending that all municipalities they represent adopt a formal personnel policy. He noted that although the council did not currently have traditional employees, council members themselves could be considered employees in certain contexts. He stated that implementing such a policy would provide liability protection in the event of legal action, as it would demonstrate that clear standards and training were in place to prevent misconduct.

Nathan Bracken further explained that the policy would serve as a preventative measure, describing it as a "belt and suspenders" approach to risk management. He emphasized that while no issues had occurred to date, establishing a policy would prepare the council for potential future situations, including the possibility of appointing or hiring individuals. He added that a personnel policy would be necessary if the town chose to hire employees in the future. Nathan Bracken indicated that this initiative was prompted by experiences in other municipalities, leading his firm to ensure that all Municipal Services District entities they represent adopt similar policies. He described the proposed policy as a standard document and stated that it would be covered in more detail during an upcoming training session.

Council Member Stitzer moved to approve Resolution R2026-05, Adopting a Personnel policy for the Town of Copperton. Council Member Pratt seconded the motion; vote was 4-0, unanimous in favor with Council Member Bailey absent from the vote.

8. COMMITTEE/BOARD UPDATES

a. Utah League of Cities and Towns Legislative Policy Committee

Council Member Jonathan Pratt reported on his experience attending the legislative session, describing it as informative and valuable for understanding governmental processes. He expressed appreciation for the guidance and support provided by Town Attorney Nathan Bracken and indicated interest in participating in future sessions.

Mayor Sean Clayton added that the legislative process was unpredictable and fast-paced, noting that bills frequently change through amendments and substitutions, often at the last minute. He explained that decisions are sometimes made rapidly, requiring quick analysis of

potential impacts, particularly in his professional role where fiscal implications must be evaluated on short notice.

Nathan Bracken provided a legislative update, highlighting several bills relevant to the council. He noted that HB 147 would require municipalities to allow electronic submission of forms and applications through their websites. He also discussed HB 212, which involved county formation amendments for the west side of Salt Lake County, explaining that although it passed the House, it did not ultimately take effect due to timing issues at the end of the session.

Nathan Bracken reviewed HB 239, which proposed the creation of an annexation committee for west side communities, including Copperton and Magna, stating that it had been deprioritized but could be revisited in the future. He also mentioned HB 319, which allows for electronic notarization of documents submitted to county recorders, though acceptance by counties is not yet required. Further discussion included HB 429, which addressed withdrawal provisions related to the Wasatch Front Waste and Recycling District and Salt Lake Valley Law Enforcement Service Area, ensuring a more standardized process. Council Member Tessa Stitzer noted the importance of maintaining consistent withdrawal procedures across entities. Nathan Bracken also addressed HB 501, which did not pass and would have required local water providers to impose additional funding mechanisms to offset federal funding reductions. He explained that the legislature continues to explore alternatives to address these funding gaps. He outlined HB 525, which introduces a 45-day notice requirement before municipalities dispose of property, noting its potential relevance to future transactions. Additionally, he summarized SB 24, a comprehensive land use bill that formalizes accessory dwelling units as permitted uses and introduces new training requirements for planning commissioners, along with other technical updates.

Nathan Bracken concluded with updates on additional legislative efforts, including proposed changes related to school property acquisition, which ultimately did not pass. Mayor Sean Clayton reflected on how such legislation could have impacted past opportunities in the community.

Mayor Sean Clayton closed the discussion by suggesting coordination with Nathan Bracken and Council Member Tessa Stitzer to address ongoing matters involving Rio Tinto and regional planning issues, anticipating further developments during interim legislative discussions.

b. Legal Updates

No additional updates at this time.

c. Bingham Cemetery Board

No updates at this time.

d. Copperton Community Council

No updates at this time.

e. Planning Commission

Council Member Linda McCalmon reported there was no meeting recently, and the April meeting has been canceled. She spoke briefly with the Town Clerk regarding getting in contact with Wendy Gurr, the Planning Staff member over the meetings and Diana was able to send an email to Wendy and get them in touch before the meeting ended. Council Member McCalmon indicated she would continue to work with Wendy on future meetings.

9. COUNCIL TRAINING

- a. Open and Public Meetings Act
- b. Ethics and Copperton ordinances, Policies and Form of Government
- c. Sexual Harassment

Town Attorney Nathan Bracken reviewed the prepared presentations included in the supporting documents published prior to the meeting, completing the three trainings above for those council members in attendance.

10. COPPERTON COUNCIL REPORTS

- a. Mayor Sean Clayton
 - i. Greater Salt Lake Municipal Services District (GSLMSD)
 - ii. Council of Governments (COG)

Mayor Sean Clayton reported on his attendance at the Greater Salt Lake Municipal Services District meetings. He stated that there had been no substantive matters requiring council action, and that discussions at those meetings had primarily involved routine administrative topics.

- b. Council Member Linda McCalmon
 - i. Unified Police Department (UPD)
 - ii. Salt Lake Valley Law Enforcement Service area (SLVLESA)

Council Member Linda McCalmon reported on recent discussions related to the budget process, noting that it begins early to allow sufficient time for revisions before final approval. She stated that an upcoming approval of the preliminary budget was scheduled for the following day and that an initial proposal included a 6% adjustment, though there had been a request to keep increases within a 4–5% range. She indicated that further updates would follow as the process progressed.

Regarding Salt Lake Valley Law Enforcement Service Area matters, Council Member Linda McCalmon stated that Nathan Bracken had already covered the key legislative updates. She

added that during the meeting SLVLESA's legal team also provided an overview of legislative activity, particularly focusing on bills that could impact the organization. While many of the proposed measures had been addressed, they noted an ongoing trend of increased legislative scrutiny on property taxes, which the organization would continue to monitor closely.

- c. Council Member Kathleen Bailey
 - i. Unified Fire Authority (UFA)
 - ii. Unified Fire Service Area (UFSA)

Council Member Bailey not present for updates.

- d. Council Member Tessa Stitzer
 - i. Wasatch Front Waste and Recycle (WFWRD)

Council Member Tessa Stitzer reported on discussions related to the Wasatch Front Waste and Recycling District, noting that much of the meeting focused on legislative impacts affecting both that district and the Salt Lake Valley Law Enforcement Service Area.

She introduced a proposed change to the existing SCRAP program, which currently allows residents to reserve dumpsters for temporary use at their homes. She explained that the proposed alternative would shift to a curbside cleanup model, where residents place items at the curb and collection crews transport them to centralized disposal stations. This approach would reduce operational costs by eliminating the need for temporary employees, reducing fuel usage, and minimizing the number of trucks and dumpsters required. While there would be initial costs for new equipment, she stated that the long-term effect would be reduced annual expenses and improved accessibility, as residents would no longer need to compete for limited dumpster reservations.

Council Member Jonathan Pratt asked whether these cost savings would result in lower monthly fees for residents. Council Member Tessa Stitzer clarified that while fees would not necessarily decrease, the change could help stabilize costs and prevent continued annual increases.

- e. Council Jonathan Pratt

Mayor Sean Clayton directed that Animal Services and the Sewer District be added under Council Member Jonathan Pratt's assignments.

Town Clerk Diana Baun reported difficulty contacting the Sewer District, explaining that multiple attempts to reach them resulted in limited information, as staff answering the phones were often unable to provide details. She stated that she eventually reached an individual who directed her to leave a voicemail for another contact, and she was awaiting a response.

Council Member Jonathan Pratt indicated that he had located potential information through the public notice website and believed the Sewer District held meetings on either the third or fourth Tuesday of the month.

11. OTHER ANNOUNCEMENTS

- a. Public Comment

None at this time.

- b. Announcements

None at this time.

No need for a closed session tonight.

12. CLOSED SESSIONS IF NEEDED AS ALLOWED PURSUANT TO UTAH CODE §52-4-205

- a. Discuss the character, professional competence, or physical or mental health of an individual (§ 52-4-205(1)(a))
- b. Discuss pending or reasonably imminent litigation (§ 52-4-205(1)(c))
- c. Discuss the purchase, exchange, or lease of real property (§ 52-4-205(1)(d))
- d. Discuss the deployment of security personnel, devices, or systems (§ 52-4-205(1)(f))

13. ADJOURN

Council Member Stitzer moved to adjourn the March 18, 2026 Town Council Meeting. Council Member McCalmon seconded the motion; vote was 4-0, unanimous in favor with Council Member Bailey absent from the vote.

The February 18, 2026 Town Council Meeting adjourned at 8:41 P.M.

This is a true and correct copy of the March 18, 2026 Town Council Meeting Minutes, which were approved on April 15, 2026.

Attest:


Diana Baun, Town Clerk


Tessa Stitzer, Mayor Pro Tempore



DISCRIMINATION AND SEXUAL HARASSMENT PREVENTION

Nathan S. Bracken
Clayton H. Preece

March 18, 2026



Disclaimer

- This training addresses sexual harassment and content which may be difficult, sensitive, or offensive to some individuals.
- If you are uncomfortable with or unable to complete this training, please let me know and we can discuss alternatives to complete similar training.
- While this training addresses specific City policies and describes specific scenarios, the scenarios described in this training are not based on any actual events at the City.

Civil Rights Act of 1964 & Utah Antidiscrimination Act

- **Prohibits discrimination:** prohibit discrimination in employment, public accommodations, and certain programs.
- **Define protected classes:** These laws establish certain protected classes—such as race, sex, religion, national origin, disability, and others—against which discrimination is unlawful.

What is Discrimination?

Unequal treatment based on a protected characteristic (Protected Class)

This includes hiring, promotion, discipline, pay, training, termination, and access to services

Protected Classes

- A protected class is a group of people protected against discrimination by University policy or by State and Federal law. Generally, the protected classes are:
 - *Race, Ethnicity, National Origin, Color,*
 - *Religion,*
 - *Sex/Gender, Sexual Orientation, Gender Identity, Gender Expression,*
 - *Pregnancy, Pregnancy-Related Conditions,*
 - *Disability,*
 - *Veteran's Status, Age, and*
 - *Genetic information.*

What is Sexual Harassment

- Sexual harassment is a form of discrimination
- Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender.
- Sexual harassment can be physical and/or psychological in nature.
- An aggregation of a series of incidents can constitute sexual harassment even if one of the incidents considered on its own would not be harassing.

Sexual Harassment Defined

- Sexual harassment is defined as:
 - *unwelcome sexual advances;*
 - *requests for sexual favors; and*
 - *other verbal or physical conduct of a sexual nature*

Sexual Harassment Defined (Cont.)

- When:
 - *(1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;*
 - *(2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or*
 - *(3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment.*

What is Sexual Harassment? In Plain English

Making sexual advances

Asking for sexual favors

Making sexually suggestive comments

Using foul or obscene gestures

Unwanted physical contact (patting, rubbing, brushing, pinching, or grabbing)

Physical assaults of a sexual nature, such as rape, sexual battery, molestation or attempts to commit these assaults

What is Sexual Harassment? In Plain English (Cont.)

- **Preferential treatment** or promises of preferential treatment to an employee for submitting to sexual conduct, including soliciting or attempting to solicit any employee to engage in sexual activity for compensation or reward.
- Subjecting, or threats of subjecting, an employee to **unwelcome sexual attention** or conduct or intentionally making performance of the employee's job more difficult because of that employee's sex.
- Using **derogatory slang** names to refer to the different sexes
- **Teasing, joking, or making derogatory remarks** about the different sexes.
- **Descriptions or stories** including sexual content or which are sexual in nature

What is Sexual Harassment? In Plain English (Cont.)

- **Displaying or transmitting pictures** or objects that are sexually suggestive, sexually demeaning or pornographic
- A picture will be **presumed** to be sexually suggestive if
 - *it depicts a person of either sex who is not fully clothed or in clothes that are not suited to or ordinarily accepted for the accomplishment of routine work in and around the workplace; and/or*
 - *who is posed for the obvious purpose of displaying or drawing attention to private portions of his or her body.*

CATEGORIES OF DISCRIMINATION

Disparate Treatment

Disparate treatment occurs when someone is treated differently because of a protected characteristic.

Generally, involves intentional unequal treatment.

Disparate Treatment Examples

Unequal discipline based on sex: Reprimanding female employees for minor workplace mistakes while overlooking the same conduct by male employees, creating a work environment where women are treated more harshly because of their sex.

Preferential treatment based on sex: Giving preferred assignments, promotions, raises or favorable schedules to employees based on sex.

“Women’s Work” or “Men’s Work”

Unequal treatment in meetings: Limiting comments from a female member of the public during a public comment to the set time limit, while allowing male speakers to speak beyond the established time limit.

Disparate Impact

- **Neutral conduct with unequal effects:** Disparate impact sexual harassment occurs when a workplace rule, practice, or environment that appears neutral disproportionately harms employees of one sex by exposing them to sexualized conduct or a hostile environment.
- **No intent required:** Unlike disparate treatment, disparate impact does not require proof that the employer intended to discriminate—only that the policy or practice results in a significantly greater adverse effect on one gender.

Disparate Impact Examples

A department allows sexually explicit jokes, slang, and images to be routinely shared in a work area dominated by male employees. While the behavior is not directed at any specific individual, it disproportionately creates a hostile environment for female employees working in that space.

The City requires front-desk staff to continue assisting members of the public even when those individuals make sexually suggestive comments or remarks. Because female employees receive the majority of these comments, the policy disproportionately exposes them to sexually harassing conduct.



Discriminatory Harassment

- Discriminatory harassment is any unwelcome, typically repeated offensive conduct that is directed at an individual because of their membership based on sex or other protected class

Discriminatory Harassment Examples

- Quid Pro Quo
- Repeating unwelcome compliments
- Repeating unwelcome advances
- Sharing images that are sexually suggestive or explicit
- Sharing stories that are sexually suggestive or explicit
- Demeaning or belittling comments based on an individual's sex

Conduct becomes Harassment when



UNWELCOME



TIED TO SOME SORT OF
PROMOTION OR
DISCIPLINE;



TIED TO A THREAT OF SOME
SORT OF PROMOTION OR
DISCIPLINE;



SO OFFENSIVE AND
OBJECTIONABLE THAT IT
MAKES A REASONABLE
PERSON UNCOMFORTABLE
OR HUMILIATED; OR



INTERFERES WITH A
REASONABLE PERSON'S
JOB PERFORMANCE

Potential Perpetrators

Elected
Officials

Employees

Citizens

Vendors

Other
Agencies

Unwelcomed Conduct Can Occur in Many Places

At City venues

settings outside the workplace,

on trips or conferences

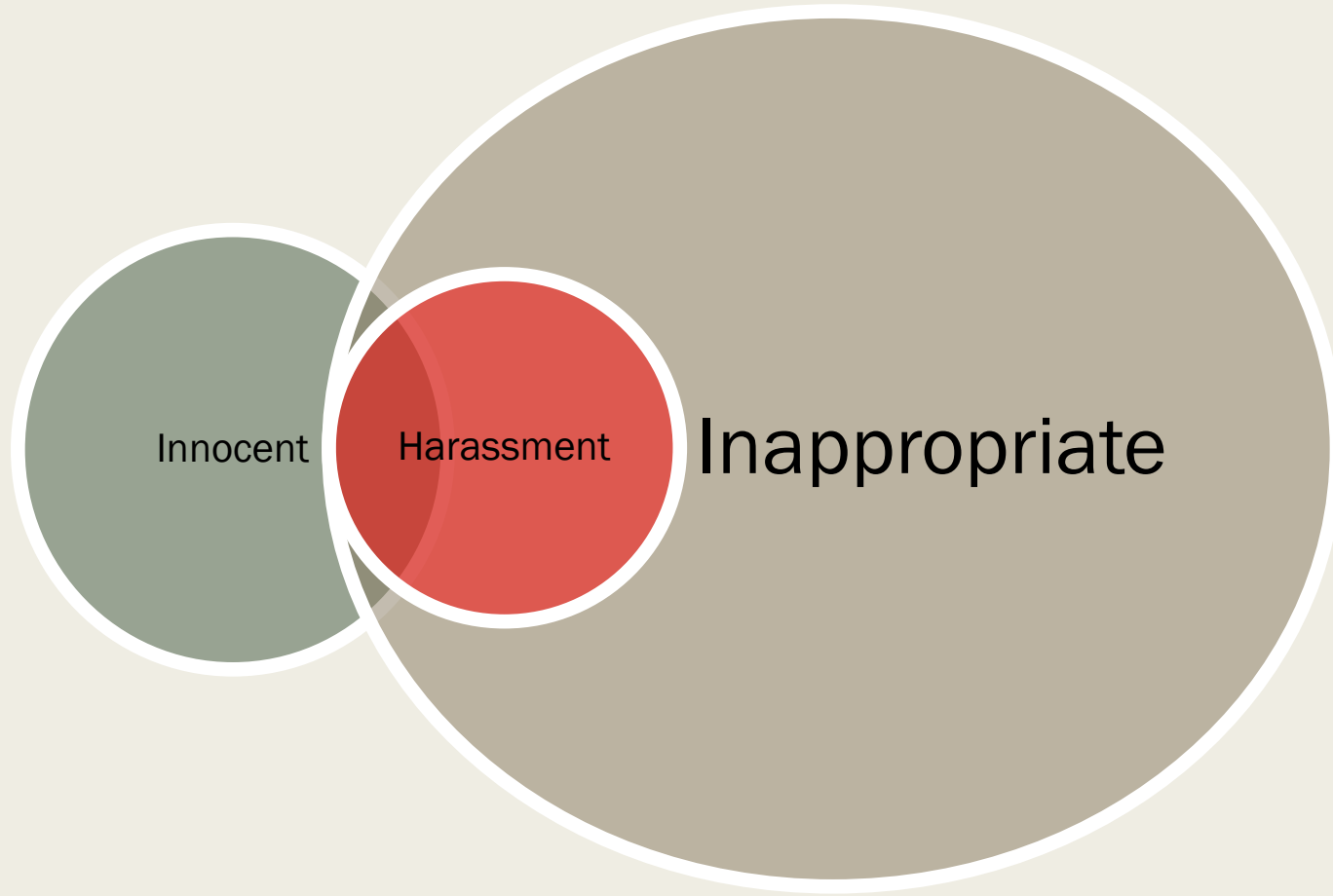
social events

Text messages

Social Media

- Facebook
- Twitter
- LinkedIn
- Snapchat

Innocent, Inappropriate, or Harassment



Slang and Jokes

Slang can be harassment: Using slang terms with sexual meanings or sexually suggestive connotations in the workplace can constitute sexual harassment if the language is directed at someone because of sex or creates a hostile environment.

“Joking” or casual slang is not a defense: Even if a speaker claims the language was joking, informal, or part of workplace culture, repeated use of sexual slang that makes others uncomfortable can still violate harassment policies.

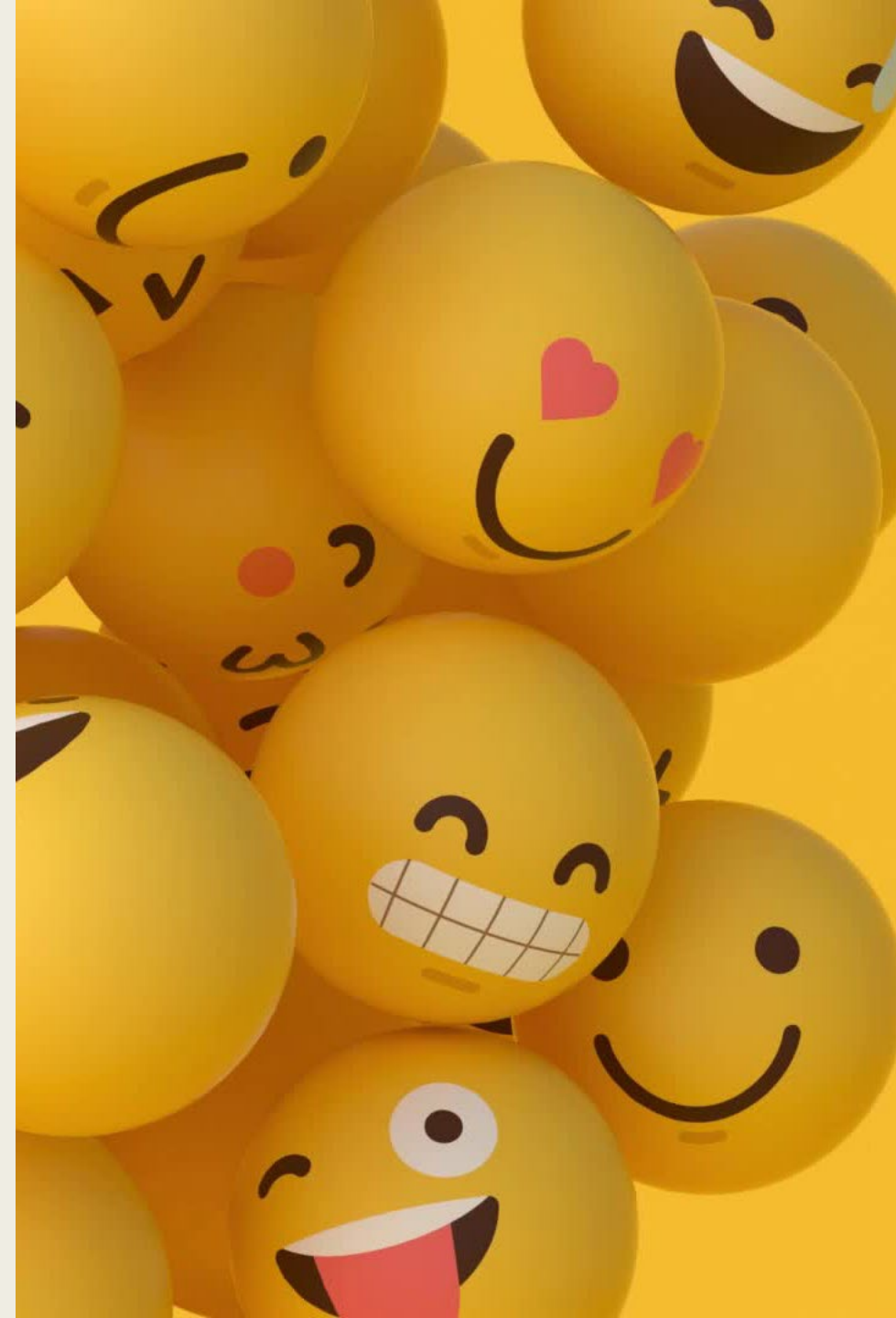
Impact matters more than intent: Words that may seem harmless to one person—such as slang referring to bodies, sexual activity, or gender stereotypes—can contribute to a hostile work environment when they demean or objectify employees.

Emojis

- In 2019, Facebook and Instagram updated their policies to restrict contextually specific and commonly sexual emojis or emoji strings.
- Many emojis have gained inappropriate connotations, imply sexual acts, or solicit sexual acts, conduct, or favors.
 - *For example, In some cases, a wink emoji is simply a sign of humor, but in other cases, it is a come-on.*
- Emojis used in the workplace may constitute sexual harassment.
- It can include requests for sexual favors or unwelcome sexual advances, either of which may be conveyed through emojis or through a combination of emojis, words, and behavior.

What is in a 😏 ?

- Dictionaries now define emojis. The 😏 is defined by dictionary.com as meaning any of the following:
 - *Used to make a statement flirtatious*
 - *Can be used to indicate a joke or inside humor*
 - *Indicates preceding statement is a secret*
 - *Hint at a desirable outcome*
 - *Prod someone to take a particular action*



How to identify
behavior that
may constitute
unlawful
harassment,
discrimination,
or retaliation

Context

Repetition

Persistence After Informed to
Stop

Severity of Objectionable Conduct

Objectionable Conduct

- Unwelcomed
- A reasonable person would be offended by the conduct
- EEOC guidance further clarifies that the reasonable person standard is whether a reasonable person in the victim's circumstances would have found the alleged behavior to be hostile or abusive



Reporting

- If employees or elected officials, believe that they have been subject to sexual harassment or any unwanted sexual attention, they should make their unease and/or disapproval directly and immediately known to the harasser whenever possible.
- If the situation is not immediately resolved or if the employee or elected official is unable to address, or uncomfortable in addressing, the alleged harasser directly, he or she should report the incident to the Mayor, or a City Councilmember if the person is uncomfortable reporting to the Mayor.
- It is helpful to make a written record of the date, time and nature of the incident(s) and the names of any witnesses.

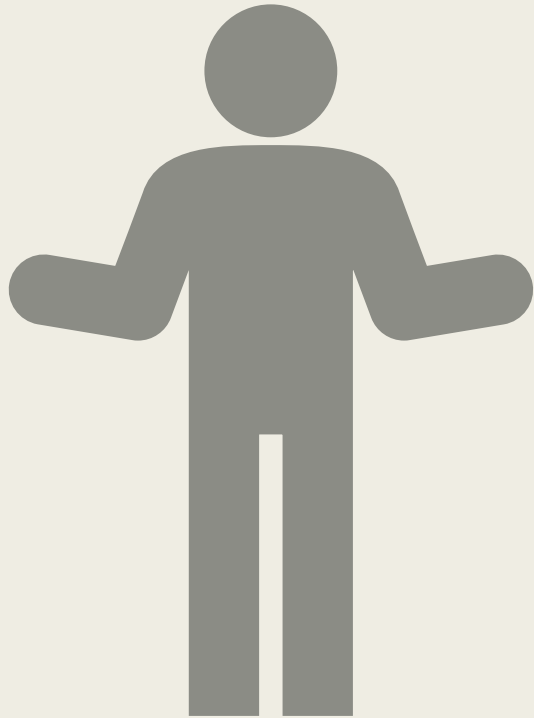
How to report harassment

- The complaint may be reported in person, by email, letter, or other method of communication
- Those that receive reports or complaints of sexual harassment or misconduct shall immediately relay such reports to the Mayor, City Councilmember, or City Attorney where appropriate.

Reporting Harassment

- It is important to report concerns of sexual harassment or inappropriate sexual conduct, regardless of the seriousness as soon as possible.
- The City cannot assist in stopping the harassment from continuing if it is unaware of the problem.

Difficulties with Complaints



- Complaints may be subtle, unclear, or different than those presented in this training
- Supervisors may not immediately know what to do or how to address a situation
- Employees reporting harassment may be embarrassed, upset, or have difficulty expressing the event



What to do when you don't know what to do

- If you receive a complaint and you are unsure what to do
- 1. Safety is the top priority. Ensure that the individual(s) involved are in a safe location.
- 2. Immediately call Mayor or City Attorney

Investigations

- City investigates all allegations of sexual harassment
- May retain outside expert to conduct investigation
- Witnesses may be interviewed



Duty to Cooperate in Investigations

- It is the responsibility of the City and each employee to create an atmosphere free of discrimination, harassment, and retaliation.
- The City requires the prompt reporting of complaints or concerns so that rapid and constructive action can be taken before relationships become irreparably strained.
- Employees who fail to cooperate with an investigation conducted pursuant to this Policy, or who breach confidentiality resulting in a threat to the integrity of the investigation, may be disciplined up to and including censure or dismissal.

Confidentiality



The City shall take reasonable steps to maintain the confidentiality of the investigation, but makes no guarantees that the investigation shall remain confidential.



As part of its investigation, the City may need to interview witnesses or others with knowledge of the events or systems involved. For example, IT Services may be needed to retrieve emails or other communications from devices or servers.



The City may, but is not obligated to, inform the complainant of the results of the investigation and any corrective actions that have been or will be taken as a result of the investigation.

Retaliation

- Occurs when the City takes adverse action against someone because they engaged in protected activity (e.g., reporting discrimination, filing a complaint, participating in an investigation).
- Protected activity includes internal complaints, EEOC/Utah Labor Commission charges, requesting accommodations, or opposing unlawful practices.
- Retaliation claims often succeed even when the original discrimination claim does not.
- Adverse action is broadly defined — it can include discipline, demotion, schedule changes, exclusion, negative evaluations, or hostile treatment.
- Timing and documentation matter: sudden negative treatment after a complaint is a major red flag in litigation.

Disciplinary Action

- Harassment or Retaliation may result in disciplinary action up to and including,
 - *demotion,*
 - *probation,*
 - *transfer,*
 - *Public censure, or*
 - *termination.*



Strategies to Prevent Sexual Harassment

Strategies for Preventing Sexual Harassment

- **Speak up early when possible:** If it feels safe to do so, clearly tell the person that the behavior is unwelcome and must stop. Direct communication can sometimes prevent the behavior from continuing.
- **Document the conduct:** Keep notes of dates, times, locations, witnesses, and what was said or done. Documentation can be important if the issue needs to be formally reported.
- **Use reporting channels:** Report the conduct promptly so the City has the opportunity to address the issue.
- **Seek support from others:** Talk with someone you trust about the situation to obtain guidance and support.
- **Step in.** Bystanders should also speak up and report

Just the Tip of the Iceberg

- **Observed conduct may signal larger problems:** Behavior that appears minor on the surface may actually be an early indicator of more serious or repeated misconduct.
- **Early reporting helps prevent escalation:** Reporting smaller incidents allows the organization to address issues early and reduce the risk that the behavior will develop into more serious harassment or misconduct.
- **All should report:** In some situations, one individual may be in a better or safer position to report concerning conduct than another.
- **Don't assume that someone else has reported**





Report Safety Concerns

- Lights that are burned out or which do not work properly
- Doors or windows which do not shut or lock properly
- Parking areas or entrances with limited visibility or poor lighting
- Individuals that make inappropriate comments or paying inordinate attention to an individual
- If you see something, say something



Building the Case -

- Potential Evidence
 - *email*
 - *comments*
 - Public (In a public meeting)
 - Private (Social Media)
 - *Text messages*
 - *Actions*
- Witnesses
- Assume everything you say, write, or do will be reviewed by a court.

Open and Public Meetings Act & Copperton Rules of Order and Procedure



March 18, 2026
2026 Copperton Council Training
Nathan S. Bracken, City Attorney

OPMA & Copperton Rules of Order and Procedure

Download Options

Index Utah Code

Title 52 Public Officers

Chapter 4 Open and Public Meetings Act

Part 1 General Provisions

Part 2 Meetings

Part 3 Enforcement

**COPPERTON METRO TOWNSHIP
RULES OF ORDER, PROCEDURE, AND GOVERNANCE**

ADOPTED JUNE 7, 2017

AMENDED DECEMBER 20, 2017, AND JULY 18, 2018

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Utah Code § 52-4-101, et seq.



**1. The legislative intent of the
OPMA is for public bodies to
deliberate and act
_____?**

- A. Civilly
- B. Respectfully
- C. Openly
- D. Transparently

C. Openly



52-4-102 (2) It is the intent of the Legislature that the state, its agencies, and its political subdivisions:

- (a) Take their actions **openly**; and
- (b) Conduct their deliberations **openly**.



2. True or False?

Because OPMA does not technically require a public official to behave civilly or respectfully, City Council members can be rude and disrespectful to others during public meetings when representing the City.



False!



Section 2.01.030.C of Copperton Rules of Order States the Following Regarding Council Member Duties:

13. *Censure*: The Council can vote to censure any Officer of the Council with a majority vote in the affirmative. A censure is an official act condemning behavior through resolution that records and codifies certain acts by the Council Members.

14. *Decorum*: Council Members shall not engage in personal attacks and shall respect the viewpoints of the public, other Council Members, the Township staff and employees. Failure to do so may result in censure.

Section 2.01.040.J of Copperton Rules of Order States the Following Regarding Public Input

3. *Decorum*: Violations of decorum or conduct of Council Members shall be addressed by the Mayor, or the Council Member authorized to conduct the meeting in the Mayor's absence, who may declare the Council Member out of order. A Council Member may be expelled from a meeting for disorderly conduct after one verbal warning upon the vote of three Members of the Council. Members of the public shall also act with decorum and due respect for the Council. The Mayor may expel any member of the public from a meeting for disruptive behavior after one verbal warning from the Mayor.

3. How is a quorum defined in the OPMA?

- A. A simple majority of the membership of a public body
- B. Three or more members of the public body
- C. A minimum number of the public body needed to hold a valid meeting
- D. The number of people needed to conduct official business of the public body



A. A simple majority of the membership of a public body



WWW.ANDERTOONS.COM



"I agree we have a gaggle. What we don't have is a quorum."

52-4-103 (12)(a) "Quorum" means a **simple majority of the membership of a public body**, unless otherwise defined by applicable law.

Copperton City Council = 3 of 5

Copperton Planning and Zoning = 3 of 5

NOTE – Section 2.04.040.L.1 of Copperton's Rules of Order and Procedure requires a minimum of three (3) votes to pass an ordinance, resolution, or motion

4. How soon do approved minutes need to be posted for the public?

- A. Within three business days after approving written minutes of an open meeting
- B. Within 30 days after holding the open meeting
- C. Within seven calendar days after approving written minutes of an open meeting
- D. As soon as reasonably possible



A. Within three business days after approving written minutes of an open meeting



52-4-203(4)(f)(ii) **within three business days after approving written minutes of an open meeting**, post and make available a copy of the approved minutes and any public materials distributed at the meeting



5. What is a justifiable reason you may hold a closed meeting?

- A. Discussion regarding a controversial recommendation from an advisory board
- B. To learn confidential details about a recent crime in the City
- C. Interview a person applying to fill an elected position or midterm vacancy
- D. Strategy session to discuss pending or reasonable imminent litigation



D. Strategy session to discuss pending or reasonable imminent litigation



52-4-205 Purposes of closed meetings:

- (a) **Discussion of the character, professional competence, or physical or mental health of an individual;**
- (b) Strategy discussions to discuss collective bargaining;
- (c) **Strategy sessions to discuss pending or reasonable imminent litigation;**
- (d) **Strategy sessions to discuss the purchase, exchange, or lease of real property...;**
- (e) **Strategy sessions to discuss the sale of real property [and water rights]...if the public discussion of the transaction would (A) disclose the appraisal or estimate value...; or (B) prevent the public body from completing the transaction on the best possible terms...**
- (f) Discussion regarding deployment of security personnel, devices, or systems
- (g) – (t) not common for municipalities; mostly applicable to other Boards or Commissions

A public body may NOT use a closed meeting to:

- (a) Interview a person applying to fill an elected position;
- (b) Discuss filling a midterm vacancy or temporary absence;
- (c) Discuss the character, professional competence, or physical or mental health of the person whose name was submitted for consideration to fill a midterm vacancy or temporary absence.



6. How often is a public body required to be trained on the Open and Public Meetings Act?

- A. Each time a member of the public body is newly elected or appointed
- B. Annually
- C. There is no training requirement
- D. Monthly

B. Annually



52-4-104 Training

(1) The presiding officer of the public body shall ensure that the members of the public body are provided with **annual** training on the requirements of this chapter.





7. What is something that does NOT need to be recorded in the official minutes?

- A. Date, time, and place of the meeting
- B. Names of members present and absent
- C. A record, by individual member, of each vote taken by the public body
- D. The verbatim dialog of all matters proposed, discussed, or decided by the public body

D. The verbatim dialogue of all matters proposed, discussed, or decided by the public body



52-4-203 (2)(a) Written minutes of an open meeting shall include:

- (i) the date, time and place of the meeting;
- (ii) the names of members present and absent;
- (iii) **the substance of all matter proposed, discussed, or decided by the public body** which may include a summary of comments made by members of the public body;
- (iv) a record, by individual member, of each vote taken by the public body;
- (v) the name of each person who: (A) is not a member of the public body; and (B) after being recognized by the presiding member of the public body, provided testimony or comments to the public body
- (vi) the substance, in brief, of the testimony or comments provided by the public...; and
- (vii) any other information that is a record of the proceedings of the meeting that any member requests be entered in the minutes or recording.



8. Which of these is NOT a requirement for electronic meetings?



- A. Adoption of a resolution, rule, or ordinance governing the use of electronic meetings by the public body
- B. Always have an anchor location where the public may attend
- C. Give public notice of the electronic meeting in accordance with State Code
- D. Except for a unanimous vote, all votes shall be taken by roll call

B. Always have an anchor location where the public may attend



NEW!

52-4-207 Electronic meetings

(4)(a) **Except** as provided in Subsection (5), a public body that convenes and conducts an electronic meeting shall provide space and facilities at an anchor location for members of the public to attend the open portions of the meeting.

(5) Subsection (4)(a) **does not apply** to an electronic meeting **if:**

(a)(i) the chair of the public body determines that: (A) conducting the meeting as provided in Subsection (4)(a) **presents a substantial risk to the health or safety** of those present or who would otherwise be present at the anchor location; or (B) the location where the public body would normally meet **has been ordered closed to the public for health or safety reasons**; and...(the public notice includes three more specific things); or

(e) **All public body members attend the meeting remotely...** unless the public body receives a written request, at least 12 hours before the scheduled meeting time, to provide for an anchor location for members of the public to attend in person...

9. True or False?

Outside of a public meeting, a quorum of Council members cannot act together in a concerted and deliberate way to plan a birthday party for me.



D. False!



NEW!

52-4-208 Predetermining public body action prohibited – Exception.

- (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**.

Definition of “**Relevant Matter**” 52-4-101 (11)

“Relevant matter” means a matter that is within the scope of the authority of a public body or specified body.

“Relevant matter” does not include, for a public body with both executive and legislative responsibilities, a managerial or operational matter.

10. True or False?

A meeting of the City Council with a quorum present to tour a new City facility would be a public meeting regulated by OPMA.



False



NEW!

52-4-103(5)

"Meeting" means a gathering:

- (a) of a public body or specified body;
- (b) with a quorum present; and
- (c) that is convened:
 - (i) by an individual:
 - (A) with authority to convene the public body or specified body; and
 - (B) following the process provided by law for convening the public body or specified body; and
 - (ii) for the express purpose of acting as a public body or specified body to:
 - (A) receive public comment about a relevant matter;
 - (B) deliberate about a relevant matter; or
 - (C) take action upon a **relevant matter**.

11. True or False?

City Council members may not text or email each other during a public meeting.



True



52-4-210. Electronic message transmissions

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.**

12. True or False?

City Council members can deliberate a relevant matter outside of a public meeting so long as they do not act on the relevant matter and conduct such deliberations via: (1) electronic communications; or (2) in meetings or discussions that do not involve a quorum.



Technically true but be careful



52-4-103(5). "Meeting" means a gathering: (a) of a public body; (b) **with a quorum present**; and (c) that is convened...for the express purpose of **acting** as a public body...to...deliberate about a relevant matter or...take action upon a relevant matter.

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.**

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.**

-but-

52-4-102(2). It is the intent of the Legislature that the state, its agencies, and its political subdivisions...
[c]onduct their deliberations **openly.**



13. What must be included on an agenda?

- A. Reasonable specificity about topics to be considered
- B. Dress code for the meeting
- C. Action Items
- D. Pledge of Allegiance

A. Reasonable specificity about topics to be considered



52-4-202(6)(a) 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. Each topic shall be listed under an agenda item on the meeting agenda.

Agendas, Continued...



The Copperton's Rules of Order and Procedure:

- A. The Mayor develops the agenda with the clerk;
- B. Mayor or any Council member may place items on an agenda if they make their request by 5:00 pm on the Monday prior to a regularly scheduled meeting or 48 hours before the meeting;
- C. Mayor has discretion to include or not include untimely agenda item requests
- D. Every agenda must allocate time for public comment; and
- E. Mayor may or may not allow for public comment to occur prior to taking a vote on non-procedural issues

14. Utah law requires two types of notices that govern how municipalities provide notice. What are they?

- A. Category 1 and 2
- B. Class 1 and 2
- C. Category A and B
- D. Class A and B



D. Class A and B

NEWISH!



Class A Notice – 63G-30-102(1)

- Posted on Utah Public Notice Website
- Posted at a physical location (e.g., the meeting location, UPD office, etc.)
- Posted on the Copperton City Website

Baseline requirements for all public meetings and hearings

Will govern the notices for most City Council meetings

Class B Notice – 63G-30-102(2)

All Class A posting requirements *plus*:

- physical mailings to residents and property owners in certain areas; and
- physical mailings to specific people/entities depending on the nature of the public hearing or meeting

Mostly governs the notices for public hearings before the Planning Commission

15. How much time is required to notice most public meetings?



- A. At least 24 hours
- B. If regular meetings are held, annual notice is required
- C. Not less than 24 hours
- D. All of the above



D. All of the above

52-4-202 Public notice of meetings

(1)(a)(i) A public body shall give **not less than 24 hours'** public notice of each meeting

(2)(a) ...a public body which holds regular meetings that are scheduled in advance over the course of a year shall give public notice at least once each year of its **annual meeting schedule...**

(3)(a)...., **for at least 24 hours.**



Public Notice



16. How much time is required to notice public hearings?



- A. 10 days
- B. 7 days
- C. 14 days
- D. It depends on the nature of the hearing



D. It depends on the hearing



Examples of municipal public hearing notice requirements:

10-20-205 Notice of public hearings and public meetings on adoption or modification of **land use regulation**

(2) Each notice of a public hearing under Subsection (1)(a) shall be:

(a) mailed to each affected entity **at least 10 calendar days** before the public hearing; and

(b)(i) provided for the area directly affected by the land use ordinance change, as a class B for at least 10 calendar days before the day of the public hearing; **or**

(ii) if the proposed land use ordinance adoption or modification is ministerial in nature, provided as a class A notice for **at least 10 calendar days** before the day of the public hearing.

10-6-113 Budget – Notice of hearing to consider adoption

At the closing at which each tentative budget is adopted, the governing body shall establish the time and place of a public hearing to consider its adoption and shall order that notice of the public hearing be published for the city, as a class A notice...**for at least seven days before the day of the hearing.**

10-2-812(4) Annexation of an island or peninsula without a petition – Notice -- Hearing

The legislative body...shall provide notice of a public hearing...for **at least three weeks** before the day of the public hearing, for the municipality and the area proposed for annexation, as a class B notice....

17. True or False?

The Planning Commission needs to hold a public hearing on a land use ordinance that is needed to comply with a new state law. The land use ordinance will apply to all of Copperton.

The City must mail notices to every property owner and resident in Copperton because public hearings on land use regulations are a Class B notice, which require physical mailings.



False...thank goodness!!!



NEW!

10-20-205 Notice of public hearings and public meetings on adoption or modification of land use regulation
(2) (ii) if the proposed land use ordinance adoption or modification is **ministerial in nature**, provided as a **class A** notice for at least 10 calendar days before the day of the public hearing.

(6) [A] proposed land use ordinance is ministerial in nature if the proposed land use ordinance is to:

- (i) Bring the municipality's land use ordinances into compliance with state or federal law;
- (ii) Adopt a municipal land use update that affects:
 - (i) An entire zoning district; or
 - (ii) Multiple zoning districts;
- (iii) Adopt a non-substantive, clerical text amendment to an existing land use ordinance;
- (iv) Recodify the municipality's existing land use ordinances; or
- (v) Designate or define an affected area for purposes of a boundary adjustment or annexation.

19. True or False



Copperton follows Robert's Rules of Order.

B. False

Copperton follows its own Rules of Order



2.01.010 Purpose

These Rules of Order, Procedure, and Governance (the “**Rules**”) are implemented to provide guidelines for the governance of the Copperton Metro Township Council (the “**Council**”) in the execution of its duties and to provide for the orderly conduct of Council business. The objective of these Rules is to provide for full, open, and comprehensive debate of issues brought before the Council for action in a forum open to the public that encourages citizens’ awareness of Council activities. The Rules also have the objective of ensuring that the Council shall be strictly governed and regulated by the provisions of applicable law. In the interest of transparency and responsibility to the public which this Council serves, all actions and ordinances shall be enacted according to these Rules. In the event of a conflict between these Rules and any ordinances that the Council may adopt, these Rules shall apply and the conflicting ordinance shall be repealed. In the event of a conflict between these Rules and state law, these Rules shall be interpreted, adjusted, or modified accordingly to comply with State law.



BONUS QUESTION



16. What is the criminal penalty for closed meeting violation?

- A. Infraction
- B. Third degree felony
- C. Class B misdemeanor
- D. \$1,000 fine and removal from appointed or elected position

C. Third degree felony



NEW!

52-4-305 Criminal penalty for closed meeting violation.

*In addition to any other penalty under this chapter, a 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 of this chapter is guilty of an **infraction**.*





C. Actually...It's a Class B Misdemeanor

52-4-305 **Criminal penalty** for closed meeting violation.

*In addition to any other penalty under this chapter, a 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 of this chapter is guilty of a **class B misdemeanor**.*



A yellow background with a white speech bubble containing the word 'QUIZ!' and a megaphone icon. The speech bubble is surrounded by a decorative border of small white circles and dashed lines. The megaphone is positioned to the left of the speech bubble, with several short lines radiating from its horn to indicate sound or emphasis.

QUIZ!

**CONGRATULATIONS –
Your OPMA Training is
Completed!**

Questions



Nathan S. Bracken
nbracken@shuth.law
(801) 413-1600

Copperton Council Training



Nathan S. Bracken, City Attorney

March 17, 2026



Key Laws and Ordinances

PART I

Laws, Ordinances, and Policies that Govern the Council

- ▶ The Copperton Council is governed by the following:
 - ▶ Title 10 of the Utah Code
 - ▶ Open and Public Meetings Act (governed by a separate training)
 - ▶ Government Records Access Management Act, [UCA 63G-2-103, et seq.](#)
 - ▶ The Utah Municipal Officers' and Employees Ethics Act, [UCA 10-3-1301, et seq.](#)
 - ▶ The Copperton Municipal Code, particularly Title 1 (general provisions) and Title 2 (administration)
 - ▶ The Council's Rules of Order and Procedure
 - ▶ Applicable Copperton policies, including its Social Media Policy

Powers and Duties

UCA 10-8-84

- ▶ *“The municipal legislative body may pass all ordinances and rules, and make all regulations, not repugnant to law, necessary for carrying into effect or discharging all powers and duties conferred by [Title 10, Chapter 8 of the Utah Code], and as are necessary and proper to provide for the safety and preserve the health, and promote the prosperity, improve the morals, peace and good order, comfort, and convenience of the city and its inhabitants, and for the protection of the property in the city.”*

Five-Member Form of Municipal Government

UCA 10-3b-401, et seq.

- ▶ Powers of municipal government are vested in a 5-member council consisting of four Councilmembers and one Mayor
- ▶ **The Mayor is:**
 - ▶ Elected at large;
 - ▶ A regular voting member of the Council;
 - ▶ Chairs/presides over Council meetings
 - ▶ Exercises ceremonial functions
 - ▶ May not veto any ordinance, tax levy, or appropriation the Council passes; and
 - ▶ Has the duties listed in UCA 10-3b-104, unless modified by Copperton ordinance

Five-Member Form of Municipal Government

UCA 10-3b-402 & 10-3b-104 – Mayor's Duties

- ▶ Mayor is chief executive officer – all employees and contractors report to the Mayor
- ▶ Shall:
 - ▶ Enforce Copperton's ordinances and polices;
 - ▶ Make sure ordinances and resolutions are "executed and observed;"
 - ▶ Report to Council on the condition and needs of Copperton;
 - ▶ Perform those duties the Legislature or Council requires by statute or ordinance;
 - ▶ And declares emergencies pursuant to state law and Copperton Code

Five-Member Form of Municipal Government

UCA 10-3b-104 – Mayor's Duties, Cont.

▶ The Mayor may:

- ▶ Make recommendations to the Council regarding “any measure the mayor considers to be in the best interests” of Copperton;
- ▶ Remit fines and forfeitures;
- ▶ Call on residents over 21 years of age to assist in enforcing state law and municipal ordinances (deputization);
- ▶ With advice and consent of the Council:
 - ▶ Appoint a Council member to administer one or more departments; and
 - ▶ Make appointments to fill municipal offices (recorder, engineer, city attorney, etc.) and committee or commission vacancies (e.g., Planning Commission vacancies); and
- ▶ Examine and inspect official Copperton' records

Five-Member Form of Municipal Government

UCA 10-3b-403 - Council Responsibilities

- ▶ The Council performs any executive or administrative duty not given to the Mayor
- ▶ The Council may:
 - ▶ Remove from the Mayor (or reinstate to the Mayor) any power, duty, or function of the Mayor under UCA 10-3b-104 by ordinance;
 - ▶ But may not remove the Mayor's legislative, judicial, ex officio positions, or ceremonial functions, including the Mayor's duty to chair Council meetings.
 - ▶ Delegate by ordinance executive or administrative powers delegated to the Council; or
 - ▶ Appoint or dismiss a city manager to "perform executive and administrative duties or functions that the council by ordinance designates"

Ordinances vs. Resolutions

UCA 10-3-701 – 702 and UCA 10-3-717

- ▶ The Council must exercise **legislative powers** through ordinances
 - ▶ Ordinances may be passed to “regulate, require, govern, control or supervise any activity, business, conduct or condition authorized by [Title 10 of the Utah Code] or any other provision of law.”
 - ▶ Punishments, fines, or forfeiture must be established by ordinance
- ▶ The Council must exercise **administrative powers** through resolutions, such as establishing rates and fees, establishing personnel policies and guidelines, and regulating the use and operation of municipal property



Government Records Access Management Act (GRAMA)

PART II

Government Records Access Management Act (GRAMA), [UCA 63G-2-101, et seq.](#)

- ▶ Most records that the Council and Copperton staff will create in carrying out their official duties will be public records, subject to disclosure – [UCA 63G-2-201\(2\)](#)
 - ▶ A record is public unless it is private, controlled, or protected
 - ▶ Laws, minutes, final opinions, notices, recordings, minutes, etc. are public
 - ▶ Emails, texts, and other electronic communications are also typically public records as well
- ▶ **Best Practice**: act as if everything you say and do as a Council member is a public record subject to disclosure

GRAMA - Continued

- ▶ A record is not a “public” record subject to disclosure if it is a private, controlled, or protected record.
 - ▶ Private records include unemployment or welfare records, public library patron records, social security numbers, overseas military or voter addresses, portions of voter registration records, audio and video recordings created by a body-worn camera that record sound or images inside a home or residence with exceptions, or **at-risk employee records**. UCA 63G-2-302 and -303(1)
 - ▶ Controlled records: (1) contain medical, psychiatric, or psychological data; (2) releasing the information would be detrimental to the health or safety of the individual or would violate normal professional practice and medical ethics; and (3) the record has been properly classified as a “controlled record.” UCA 63G-2-304
 - ▶ Protected records include trade secrets, commercial information, test questions, appraised values of real property, **attorney-client privileged communications**, transcripts, minutes, recordings, or reports of the closed portion of a meeting of a public body, and Garrity statements

GRAMA - Attorney-Client Privilege

- ▶ “The mere existence of an attorney-client relationship ‘does not ipso facto make all communications between them confidential.’” *Gold Standard, Inc. v. Am. Barrick Res. Corp.*, 801 P.2d 909, 911 (Utah 1990).
- ▶ “‘Channeling work through a lawyer’ does not by itself create a basis for attorney-client privilege.” Citations omitted. *Southern Utah Wilderness Alliance v. Automated Geographic Reference Center, Division of Information Technology*, 200 P.3d 643 (Utah 2008).
- ▶ To rely on the attorney-client privilege, there must be:
 - ▶ an attorney-client relationship;
 - ▶ the transfer of confidential information; and
 - ▶ **the purpose of the transfer was to obtain legal advice.**

GRAMA - Attorney-Client Privilege Best Practices

- ▶ In any correspondence, including email or text, regarding sensitive Copperton matters, you should write directly to the city attorney, identify your city attorney on the correspondence, identify the “confidential” nature of the correspondence, and state you want legal advice on a particular topic.
 - ▶ For example: In your correspondence, text, or email, it should look like this:

CONFIDENTIAL: ATTORNEY-CLIENT COMMUNICATION

“Hi Nathan I am reaching out to you as our city attorney to ask for some legal advice regarding this particular Copperton matter. My question is . . . ?”

Ethics Requirements

PART III

The Utah Municipal Officers' and Employees Ethics Act, [UCA 10-3-1301, et seq.](#)

- Balance establishing the faith and confidence of the people in the integrity of their government without denying a public officer or employee opportunities available to all other citizens.
- Generally do not require a public official or employee to abstain from a vote or discussion where a real perceived conflict may exist.
- Generally nothing would prevent an individual from choosing to abstain from a vote or discussion.
- Local governments are free to enact more restrictive policies than provided by law.

State Ethics Laws vs. Copperton Ordinances

- *Utah Code* identifies potential conflicts of interest.
- An entity may identify potential conflicts that are unique to them and adopt policies that are more restrictive than *Utah Code*.

Identify

Respond

- Determine when to disclose a potential conflict or abstain from a vote, discussion, or decision.
- In some circumstance an entity may adopt policies that are more restrictive than the law.



State Law – Conflicts of Interest

Allowed with Disclosure

- ▶ Having a “substantial interest” or working for a business that is regulated by Copperton ([UCA 10-3-1306](#))
- ▶ Owning a “substantial interest” or working for a business that does business with Copperton ([UCA 10-3-1307](#))
- ▶ Receiving compensation for assisting a person or business with a transaction involving Copperton ([UCA 10-3-1305](#))
- ▶ Personal investments that create a conflict of interest ([UCA 10-3-1308](#))

Forbidden (UCA 10-3-1304)

- ▶ Disclosing private, controlled, or protected information for personal gain or the benefit of others
- ▶ Use your position to further your personal economic interests or secure privileges for others
- ▶ Solicit or accept gifts, with some exceptions
- ▶ Employ, appoint, or supervise a relative, with some exceptions

Conflicts of Interest – State Law



Acceptance of gifts is forbidden for all types of local government entities.

- Exceptions:
 - Occasional non-monetary gift valued at less than \$50.
 - A publically presented award.
 - A bona fide loan made in the ordinary course of business.
 - A political campaign contribution.

Conflicts of Interest – State Law (Relatives)

No public officer may employ, appoint, vote for, or recommend a relative for employment. Additionally, no public officer may directly supervise an appointee who is a relative.

Relative means:

- Father, Mother
- Husband, Wife
- Son, Daughter
- Sister, Brother
- Aunt, Uncle
- Nephew, Niece
- First Cousin
- Mother-In-Law, Father-In-Law
- Brother-In-Law, Sister-In-Law
- Son-In-Law, Daughter-In-Law
- Grandfather, Grandmother
- Grandson, Granddaughter

Conflicts of Interest – State Law (Disclosure)

▶ Sworn Statement Disclosing Conflict – General Process

- ▶ Employees and elected officials must file the statement with Mayor, who must provide a copy to the Council within 30 days
- ▶ Sworn statement from elected officials must also be filed with the Recorder, who shall post it to:
 - ▶ Copperton website until officer leaves office
 - ▶ Ensure that it is available for examination by the public
 - ▶ Filed upon being hired or elected or within 10 days of a conflict arising

▶ Statement at Open Meeting

- ▶ Employees and elected officials must disclose conflicts immediately before Council discussion in an open meeting
- ▶ Annual Conflict of Interest Disclosure (Same as Legislature's) due by January 31 of each year

Penalties– State Law

Potential Penalties

Removal from officer or dismissal from employment.

Being charged with a felony or misdemeanor depending upon the value of compensation, conflict of interest, or assistance.

Depending on the violation, the rescinding or voiding of a contract without returning any part of consideration received by the entity.

State Law – Penalties, Cont.

- ▶ A 2nd degree felony if the value of the compensation, conflict of interest, or assistance exceeds \$1,000;
- ▶ A 3rd degree felony if the value of the compensation, conflict of interest, or assistance is between \$250 to \$1,000;
- ▶ A class A misdemeanor if the value of the compensation, conflict of interest, or assistance is between \$100 and \$250; or
- ▶ A class B misdemeanor if the value of the compensation, conflict of interest, or assistance is \$100 or less

Conflicts of Interest – Copperton Requirements

- ▶ Copperton Ethics Code - [Chapter 2.07](#) of the Copperton Municipal Code;
- ▶ Included requirements that are in addition to State ethics requirements;
- ▶ Requires all persons holding office to read and review the following statement:
 - ▶ *"Employees of...Copperton...support, obey and defend the Constitution of the United States, The Constitution of the State of Utah, the laws of the State of Utah, and the ordinances of Copperton...to the best of their abilities and will always strive to meet the highest ethical standards implicit in their employment and in the furtherance of the best public interest;"* and
- ▶ Requires ethics training every two years.

Conflicts of Interest – Copperton (Disclosure)

- ▶ Two types of conflicts of interest – “restricted” and “unrestricted”;
 - ▶ *“Restricted Conflict” means any “financial interest held by the employee or representative of [Copperton], or by members of an employee’s or representative’s household, or those providing regular financial support to the employee or representative.”*
 - ▶ *“Unrestricted Conflict”*
 - ▶ Means *“any and all other interests including political, family, fraternal, social, and other interests or associations which may reasonably create the appearance or the actuality of a conflict of interest between an employee’s or representative’s outside interest and his or her [Town] responsibilities.”*
 - ▶ “Unrestricted conflict” also means *“other conflicts as defined by state law, and any campaign contribution made to the officer, employee, or representative, or to any member of his or her household, of more than five hundred dollars during the prior calendar year.”*

Restricted Conflicts of Interest

- ▶ Restricted conflicts require disclosure and recusal:
 - ▶ Must disclose conflict as soon as possible; and
 - ▶ Must have “no involvement in any governmental action in which they have a restricted conflict of interest.”
- ▶ *“Any action, vote, contract, or other governmental action which has been undertaken by an officer, employee, or representative who has a restricted conflict of interest shall be terminable by the body that took the action, or by the [Town] officer with authority to void or terminate the action. That body or [Town] officer may also ratify any prior governmental action that was taken in violation of this section.”*

Unrestricted Conflicts of Interest

- ▶ Unrestricted conflicts require disclosure:

- ▶ Must disclose conflict as soon as possible –

- ▶ *“Employees and representatives must publicly disclose any and all unrestricted conflicts of interest at any meeting, hearing, or deliberation where the employee or representative is present, and the unrestricted conflict of interest could impair the judgment of the employee or representative.”*

- ▶ Once disclosed, *“employees or representatives who have unrestricted conflicts of interest are not required to recuse themselves but may do so.”*

Social Media Policy

PART IV

Copperton Social Media Policy

Adopted March 13, 2023

Copperton personnel should not use personal social network accounts, user IDs, or email accounts when commenting in their official capacity on Copperton social media accounts or when otherwise conducting official Copperton business on non-Copperton social media accounts. **Any personnel representing Copperton on any social media account will conduct themselves at all times as a representative of Copperton and in a manner that is professional, exhibits proper decorum, complies with [this policy's Rules of Conduct], and is otherwise conducive to orderly government.** Conversely, Copperton personnel should not use their Copperton user IDs or Copperton email accounts when acting in their personal capacity on non-Copperton social media accounts or otherwise conducting personal business. Section V.11.

Copperton Social Media Policy

Rules of Conduct

- ▶ When representing Copperton, Section V.4 prohibits Copperton representatives from, among other things:
 - ▶ Promoting, endorsing, or opposing the candidacy of any person, petition, or referendum;
 - ▶ Posting fraudulent, deceptive, or misleading information;
 - ▶ Posting threatening, harassing, obscene, indecent, or profane language or content;
 - ▶ Making slanderous or defamatory attacks against any person, including but not limited to Copperton personnel;
 - ▶ Promoting discrimination; or
 - ▶ Disclosing private, protected, or confidential material as defined or classified by applicable law, regulation, or policy

Training Resources

PART V

Training Requirements

- ▶ UCA 52-4-104 requires Councilmembers to take an annual training on the Open and Public Meetings Act, which can be taken online at: <https://training.auditor.utah.gov/courses/open-and-public-meetings-act-training-2024>.
- ▶ [Section 2.07.020](#) of the KMC requires ethics training (i.e., this training) every two years for elected officials and employees, but it's a good idea to do this training for the Planning Commission and other similar bodies as well
- ▶ [UCA 17B-1-312](#) requires training for all members of special districts within one year of their appointment regarding their roles and responsibilities as a district board member
 - ▶ Must be completed once per term
 - ▶ Can be completed online at: <https://training.auditor.utah.gov/courses/special-district-special-service-district-board-member-training-2024>; or
 - ▶ Can be received at the UASD's annual conference in November of each year



Best Practices and Suggestions

PART VI

Best Practices and Suggestions – Communications

- ▶ **Understand that you are co-equals with your fellow Council members with one vote each**
 - ▶ Your success depends on your ability to build relationships of trust and collaborate with your fellow Council members
 - ▶ No surprises – coordinate on public-facing communications and actions when acting in your official capacity
 - ▶ Work together to create a unified Council response to media inquires, social media posts, etc.
 - ▶ Don't share information other Council members have shared with you privately
- ▶ **Think before you speak or post**
 - ▶ Make sure you understand the facts/background before commenting publicly
 - ▶ Doing otherwise can undermine your fellow Council members' trust in you and subject the Town to liability
 - ▶ Act as if what you say could be used against you, the Council, and the City
- ▶ **Where possible, use a designated PR person (i.e., Maridene Alexander with the MSD), to make official statements and communications obo the Council and the Town**

South Salt Lake council member censured over social media posts critical of city

by Matthew Jacobson & Arielle Harrison, KUTV | Wed, March 6th 2024 at 9:02 PM

Updated Thu, March 7th 2024 at 9:00 AM



Downey City Councilman Censured Over Kirk Post, 'No One Mourns The Wicked'

The Downey City Council voted 3-1 to censure Councilman Mario Trujillo

By Megan Barth, September 18, 2025 5:10 pm

Palmetto Bay leaders to request DeSantis to step in as calls grow for councilman's resignation

In a since-deleted post on social media, Councilman Steve Cody called Charlie Kirk's assassination "a fitting sacrifice."

By Kim Wynne and NBC6 • Published September 15, 2025 •

Updated on September 16, 2025 at 10:01 am

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Groveland suspends councilwoman amid allegations of racism

Judith Fike claims controversial posts were 'manipulated'

Best Practices and Suggestions – Working with the City Attorney

- ▶ **Understand that my firm and I represent Copperton as an entity**
 - ▶ We do not represent any Copperton Council member, employee, contractor, or agent in their personal capacity
- ▶ **Understand that I have an ethical obligation to review all correspondence you send me and to “promptly comply with requests for information” (Rule 1.4 of the Utah Rules of Professional Conduct)**
 - ▶ If possible, coordinate your legal questions for my firm in advance with your fellow Council members to the limit the number of requests (and related costs); or
 - ▶ Designate a single Council member (e.g., the Mayor) to be the point person to interface with my firm and me on legal issues
- ▶ **I serve as the Council’s pleasure – not the other way around**
 - ▶ I can only provide advice and suggestions – it is the Council’s job to make decisions
- ▶ **I am not a city manager, meaning I don’t have executive or administrative powers**

Questions?



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