



**MAGNA CITY COUNCIL
MEETING MINUTES
September 8, 2026**

Broadway Building
3151 S. Broadway St., Magna UT 84044

Council Members Present: Mayor Mick Sudbury, Council Member Terry George, Council Member Michael Jensen, Council Member Megan Olsen, Council Member Steve Prokopis

Staff Present: Kelly Bush – City Manager, Diana Baun – City Recorder, Nathan Bracken -City Attorney

1. CALL TO ORDER

The meeting was called to order at 6:00 PM by Mayor Mick Sudbury.

2. Determine Quorum

Mayor Sudbury confirmed that a quorum of the City Council was present.

3. Pledge of Allegiance

The Pledge of Allegiance was recited.

4. COUNCIL VACANCY (Motion and Voting)

A. Interview of Candidates for Mid-Term Vacancy for District 5

To determine the order of interviews for the District 5 vacancy, a coin flip was conducted. Jeff Larson permitted Ronnie Thompson to make the call of “heads” or “tails.” Mayor Sudbury flipped the coin, and Council Member Steve Prokopis confirmed that it landed on heads. Following the result, Mr. Larson voluntarily stepped into the foyer while Mr. Thompson remained to complete his interview.

Questions asked:

- 1 – What do you see as the most pressing issues facing Magna, and how would you address them?
- 2 – How would you handle a decision that is unpopular with your neighbors but is in the city’s long-term best interest?
- 3 – How do you think the city should balance growth, affordability, and sustainability?
- 4 – What are three things that the city is doing especially well that you would champion to continue?
- 5 – What are three things that the city could do better that you would encourage to be done differently?

Council Members Steve Prokopis, Michael Jensen, Megan Olsen, and Terry George asked a series of predetermined questions (listed above). Ronnie Thompson responded with comments regarding zoning issues, handling unpopular decisions, balancing growth and sustainability, strengths of the city, opportunities for improvement, and provided a personal background. After his interview concluded, Jeff Larson was invited in and asked the same series of questions. He addressed issues involving code

enforcement, long-term decision-making, growth planning, strengths and challenges for the city, and shared his personal background and experience as a general contractor.

B. Council Action to Fill Mid-Term Vacancy for District 5

After both interviews were completed, Council Members submitted their votes to the City Recorder, Diana Baun. The initial tally resulted in a tie, triggering statutory procedures allowing the Mayor to break a tie after a second vote. A second vote was held, which again resulted in a tie, leading to Mayor Sudbury casting the deciding vote. Jeff Larson received the most votes and was selected to fill the District 5 vacancy.

C. Swearing in of Newly Appointed Council Member

City Recorder Diana Baun administered the oath of office to Jeff Larson, who repeated each portion of the oath as directed. After completion, she congratulated him. Council Members welcomed Council Member Larson to the body.

5. TRAINING

A. Municipal Authority, Council Roles and Responsibilities, Personnel Policy, Rules of Order and Procedure, Code of Conduct, Ethics, and Other City Procedures

City Attorney Nathan Bracken began mandatory council training for Council Member Larson (Attachments A and B), with the rest of the Council receiving the scheduled refresher. He provided an extensive review of the six-member form of government, statutory powers, roles of the Mayor, City Council, and City Manager, delegation of authority, ethics laws, conflicts of interest, records requirements under GRAMA, social media guidelines, open meetings laws, and personnel/harassment policies. Mayor Sudbury and Council Members participated with questions throughout the presentation.

Partway through the training, a member of the public objected to the training taking place before public comment.

Council Member Jensen made a motion to table the remainder of the training until after public comment. Council Member Prokopis seconded the motion; vote was 5-0, unanimous in favor.

6. PUBLIC COMMENTS (Limited to 2 minutes per person)

Anyone who wants to speak on an item that is not on the public hearing agenda must sign up and will be called in order. Please state your name. Council Members will not respond during public comments, but city staff will follow up if needed. *Comments are limited to two (2) minutes.*

Clint Dillian spoke at length in support of Mayor Sudbury, describing the Mayor's work with Magna Water District and his responsiveness to the public. Mayor Sudbury reminded him of the two-minute limit, and Dillian concluded his comments.

Will Briggs also spoke in support of the Mayor, describing positive personal interactions and appreciation for his commitment to the community.

Susan Luhan commented on the importance of training and understanding roles, expressed concern regarding the recent investigative report, and urged the Council to work collaboratively.

Melinda Burrell raised issues related to ongoing illegal parking in her neighborhood, describing repeated calls to UPD with slow response times and safety hazards caused by vehicles parked in no-parking zones near crosswalks. She requested stronger enforcement and possible adjustment of parking restrictions.

Carla Johnson described severe traffic congestion and safety problems associated with two childcare facilities operating at 7212 Majestic Way, including unlicensed operations, inadequate parking, and dangerous pickup routines. She asked the City to investigate the matter urgently.

Following completion of all comments, Mayor Sudbury asked whether anyone else wished to speak. No additional comments were offered, and public comment was closed.

Council Member Megan Olsen requested permission to read a statement into the record. She presented a prepared statement regarding her role in the recent independent investigation into Mayor Sudbury, emphasizing her duties under law and her commitment to transparency and seriousness in evaluating the findings.

Following the completion of Public Comment Council member Jensen moved to take a 5 minutes recess before continuing with the training portion of the meeting. Council Member Prokopis seconded the motion; vote was 5-0, unanimous in favor.

After returning from the short recess, Mayor Sudbury invited City Attorney Nathan Bracken to return and complete the remainder of the training presentation. The training continued, covering retaliation laws, reporting obligations, personnel policy guidelines, and workplace protections. Council Members asked questions throughout.

7. CONSENT AGENDA

- A. Approval of City Council Meeting Minutes
 - 1) August 25, 2026 City Council Meeting

Council Member Jensen moved to approve the minutes of the August 25, 2026 City Council Meeting as published. Council Member George seconded the motion; vote was 5-0, unanimous in favor.

8. PRESENTATION ITEMS

- A. Code Restatement and Standard Operating Procedures – *Nathan Bracken*

City Attorney Nathan Bracken presented an update on the ongoing code restatement project. He explained forthcoming revisions to Title 14 regarding engineering standards, clarified newly adopted state requirements, and described the process needed to align the City's code with the new engineering manual. He reviewed proposed updates to Titles 1 and 2 and additional future sections involving business licensing. Mr. Bracken stated he hoped to have draft documents ready for Council review within two weeks. Council Members engaged with questions about consistency with recent investigative recommendations.

9. PUBLIC HEARING ITEMS - None

10. COUNCIL BUSINESS (Motion and Voting) - None

11. STAKEHOLDER REPORTS

A. Unified Fire Authority – *Chief Kelly Millard*

Chief Kelly Millard provided a brief report, noting new resource information available to residents and reminding attendees of the September 11 ceremony at Station 102. No questions were asked.

B. Unified Police Department – *Chief Christopher Benedict*

Chief Chris Benedict delivered a detailed update on fentanyl-related enforcement efforts, describing the restructuring of the investigations division and significant recent seizures, including 6,000 fentanyl pills recovered from a Magna storage unit. He reported ongoing efforts to close drug houses using a combination of law enforcement and code enforcement tools, stating that 10 drug-related houses had been shut down in recent months. He addressed the availability of Narcan and encouraged community members to obtain doses where needed. Council Members asked questions about enforcement areas and procedures.

12. COUNCIL REPORTS

Council Member Prokopis stated he had nothing to report.

Mayor Sudbury noted his next UFA meeting was scheduled for the following Tuesday.

Council Member Jensen reported that his next MSD meeting would occur the next day.

Council Member Olsen reported on her attendance at her first mosquito abatement board meeting, noting updates about treatment areas, trap results, and recent aerial spraying of 5,000 acres. She informed the Council that no St. Louis encephalitis virus had been detected in the state and that residents could request field inspections from the district.

Council Member George reported no updates.

13. FUTURE AGENDA ITEMS

Council Member Olsen requested that the Council revisit the Traffic and Safety Committee, noting the need to confirm appointments now that UPD leadership had changed. Diana Baun stated she would coordinate with the appropriate individuals to facilitate the discussion.

Council Member Jensen moved to recess the City Council meeting and moved to a Closed Session for the reason(s) highlighted below. Council Member George seconded the motion; vote was 5-0, unanimous in favor.

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

- A. Discussion of the character, professional competence or physical or mental health of an individual.
- B. Strategy sessions to discuss pending or reasonably imminent litigation.
- C. **Strategy sessions to discuss the purchase, exchange, or lease of real property.**
- D. Discussion regarding deployment of security personnel, devices, or systems; and
- E. Other lawful purposes as listed in Utah Code §52-4-205

15. ADJOURN

Immediately following the completion of the Closed Session at 10:45 pm, Council Member Jensen moved to adjourn the September 8, 2026 City Council Meeting. Council Member George seconded the motion; vote was 5-0, unanimous in favor.

This is a true and correct copy of the September 8, 2026 Magna City Council Meeting Minutes, which were approved on September 22, 2026.

Attest:

A handwritten signature in black ink, appearing to be "Michael S. ...", written over a horizontal line.

Magna City Mayor

A handwritten signature in black ink, appearing to be "Dione Baum", written over a horizontal line.

Magna City Recorder



PERSONNEL, DISCRIMINATION, AND SEXUAL HARASSMENT TRAINING

Nathan S. Bracken, Esq.

September 8, 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.

MAGNA PERSONNEL POLICY

- Grievance Procedure, Article IV
 - Informal grievances are addressed by the Council. (Section 1)
 - Formal grievances shall be in writing and clearly state the City policy, State or federal law violated, and filed with the Council. (Section 1)
 - Mayor responsible for investigating complaints (*rec. for update*). (Section 2)
- Sexual Harassment, Article VI
 - Prohibited and should be documented. (Sections 1 & 2)
- Ethics, Article XI
 - Utah Public Officers' and Employee's Ethics Act applied. (Section 1)
 - Gratuities, conflicts of interest, and penalties. (Sections 2-4)
- Treatment of Constituents/Others, Article XIV
 - Development and maintain positive relationships with constituents, public agencies, service providers, and others. (Section 1)
 - Protect confidential information. (Section 1)

RULES OF ORDER & PROCEDURE

CODE OF CONDUCT

■ Conduct of Members

The professional and personal conduct of Members must be above reproach and avoid even the appearance of impropriety. Members shall refrain from rudeness, disrespectful comments, insults, name-calling, abusive conduct, personal charges, or verbal attacks upon the character or motives of other Members of Council, Mayor, boards, committees, commissions, the staff, or the public.

■ Conduct of Public Meetings

Members shall prepare themselves for public issues in the meeting, listen courteously and attentively to all public discussions before the body, and focus on the business at hand. They shall refrain from interrupting other speakers, making personal comments not germane to the business of the body, or otherwise interfering with the orderly conduct of meetings. Everyone should feel safe in expressing their opinions, views, and concerns. Clapping, shouting, and booing during meetings are not permitted. All persons attending a Public Meeting shall obey any lawful order of the Chair to enforce the Rules of Procedure.

RULES OF ORDER & PROCEDURE

CODE OF CONDUCT, CONT.

■ Positive Workplace Environment

Members shall support the maintenance of a positive and constructive workplace environment for City employees and for citizens and businesses dealing with the City. Members shall recognize their special role in dealing with City employees but without giving inappropriate direction to staff.

■ Council Member Violations – Code Enforcement is a Council Responsibility

- Sanctions with 2/3 vote of the Council;
- Formal letter of censure by the Mayor, or a majority of the Council;
- Loss of committee assignments; or
- Removal from meeting, if applicable, in accordance with State law

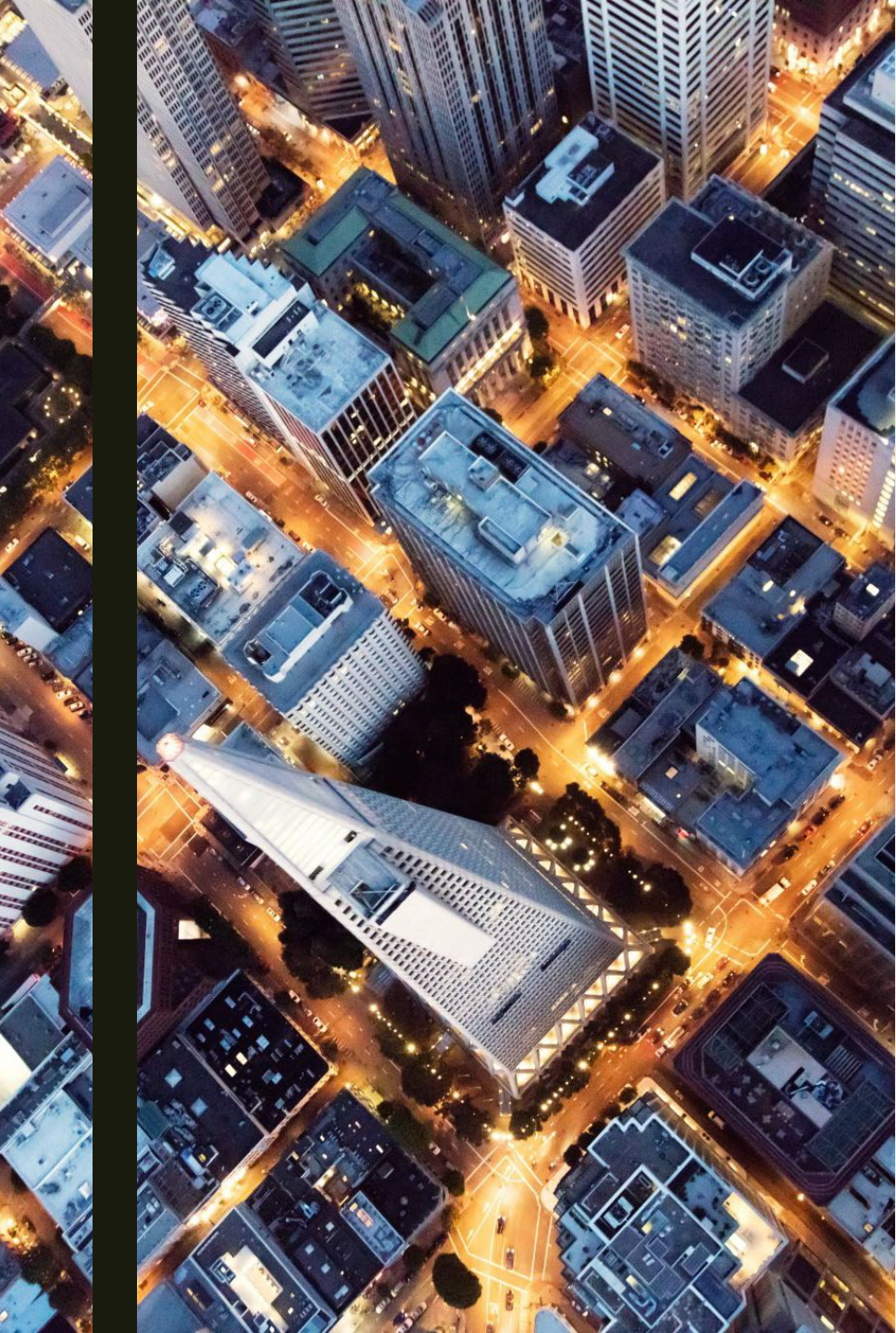
Every Action Builds the Case — For or Against It

■ Potential Evidence

- *Every email.*
- *Every comment.*
 - Public (In a public meeting)
 - Private (Social Media)
- *Every decision or determination and the reasoning given for it*
- *Every text message.*

What This Means

- You are always creating a record.
- Your consistency matters.
- Your comments matter.
- Your tone matters.
- Your documentation matters.
- Your perceived impartiality and fairness matters.



In Litigation, the Question Will Be:

- Were similarly situated employees or citizens treated the same?
- Was the decision documented?
- Was the reason legitimate and consistent?
 - *Did it meet the applicable standard*
 - Arbitrary, Capricious, or Illegal
 - Reasonably Debatable
 - Preponderance of the Evidence
- Did the City follow its own policies?
- Is there evidence of bias, retaliation, or Disparate Treatment?

Common Strategy for Litigation Against City

- If the City follows its process, the City will prevail 90% of the time
- How City decisions are attacked
 - *Process*
 - *Due Process*
 - *Was the decision legal?*
 - Violate state or federal law
 - *Discrimination*
 - Selective Enforcement
 - *Is there a taking*

The Mechanism

- **Civil rights lawsuit** under 42 U.S.C. § 1983 for constitutional or federal law violations.
- Defendant must act **under color of state law**.
- Enforces existing rights — **does not create new rights**.
- Applies to officials and municipalities
- Remedies include **damages, injunctions, and attorney's fees**.

Example

- **Unconstitutional Taking / Due Process Violation:** A city denies or conditions a development application in a way that allegedly deprives the owner of property without just compensation or without constitutionally adequate procedures.
- **Equal Protection Claim:** The city treats the applicant differently from similarly situated property owners without a rational basis (e.g., selective or discriminatory zoning).
- **The Hook:** The challenged zoning decision was made pursuant to an official city policy, ordinance, or final decision by an authorized decision-maker, making the city itself liable under § 1983.

Why Preventing Discrimination Is Important



Public trust and
legitimacy of local
government



Legal compliance
and financial risk
mitigation



Workplace morale
and retention



Personal liability
risks for supervisors
and officials



Ethical leadership in
public service

What is Discrimination?

Unequal treatment based on a protected characteristic (Protected Class)

With employees this includes hiring, promotion, discipline, pay, training, termination, and access to services

With the public this includes approval or denial of applications, code enforcement, administrative or

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.*

Disparate Treatment

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

Generally, involves **intentional unequal treatment.**

Disparate Treatment Examples

A supervisor denies training opportunities to older employees.

A city planner applies setback requirements strictly to a permit applicant of one ethnicity but routinely grants flexibility to others.

Code enforcement responds promptly to complaints in one neighborhood but delays action in another neighborhood with a different demographic makeup.

Disparate Impact

- Occurs when a neutral policy or practice disproportionately affects a protected class — even without discriminatory intent.
- Focuses on the **effect** of a policy, not the motive behind it.
- Common in hiring criteria, physical testing standards, residency requirements, and standardized screening tools.
- If a policy causes statistical disparity, the City must show it is **job-related and consistent with business necessity** (or governmental necessity in public services).
- Even lawful policies may need revision if a less discriminatory alternative exists that achieves the same objective.

Disparate Impact – Example

- A city adopts a neutral ordinance requiring a high utility deposit for all new utility service accounts.
- The rule applies equally to every applicant and was not adopted with discriminatory intent.
- However, the deposit amount disproportionately affects lower-income residents, who may be statistically concentrated in certain racial or ethnic groups.
- As a result, members of those groups are more likely to be denied or delayed essential utility services.
- Even without intent, the City may need to evaluate whether the deposit amount is necessary or whether alternative risk-mitigation measures would achieve the same purpose with less discriminatory impact.

Disparate Treatment vs. Disparate Impact

Disparate Treatment

Intentional unequal treatment

Focuses on motive

“Because of” a protected characteristic

Often proven through comparator evidence

Example: Denying a permit because of the applicant’s ethnicity

Disparate Impact

Neutral policy with unequal effect

Focuses on outcome

Disproportionate impact on a protected group

Often proven through statistical evidence

Example: A zoning rule banning multi-family housing that disproportionately limits housing for protected groups

Discriminatory Harassment

- Discriminatory harassment is any unwelcome, typically repeated offensive conduct that is directed at an individual because of their membership based upon a protected class.
- Harassment is considered a form of discrimination.

Discriminatory Harassment - Example

- During a public comment period, a resident speaks with a noticeable accent.
- A City Council member interrupts and makes repeated mocking remarks about the resident's pronunciation and "where they're really from."
- The comments continue despite visible discomfort from the speaker.
- Other officials do not intervene, and no corrective action is taken.
- The resident later alleges discriminatory harassment based on national origin.

What you say matters

- Public meetings are formal governmental proceedings.

Comments by the Elected Officials and Staff:

- *Reflect official capacity*
- *May be attributed to the City*
- *Can become evidence in litigation*
- *Professionalism is not just courtesy — it is legal risk management.*



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.

Protected Persons

- Those who oppose unlawful practices
- Those who participate in proceedings in good faith
- Those who request accommodations
- Those who have a close association with someone who has engaged in protected activity





Protected Activities

- Opposition to a practice believed to be unlawful discrimination
- Complaining about alleged harassment or discrimination
- Threatening to file a charge of harassment or discrimination
- Picketing in opposition to discrimination
- Refusing to obey an order reasonably believed to be discriminatory

Federal and State Prohibition and Requirements Relating to Sexual Harassment

Sexual
Harassment is
prohibited by
federal laws.

It is also
prohibited by
numerous state
laws.

What is Sexual Harassment

- Sexual harassment is a form of discrimination that is prohibited by Title VII of the 1964 Civil Rights Act, state, and local laws.
- 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

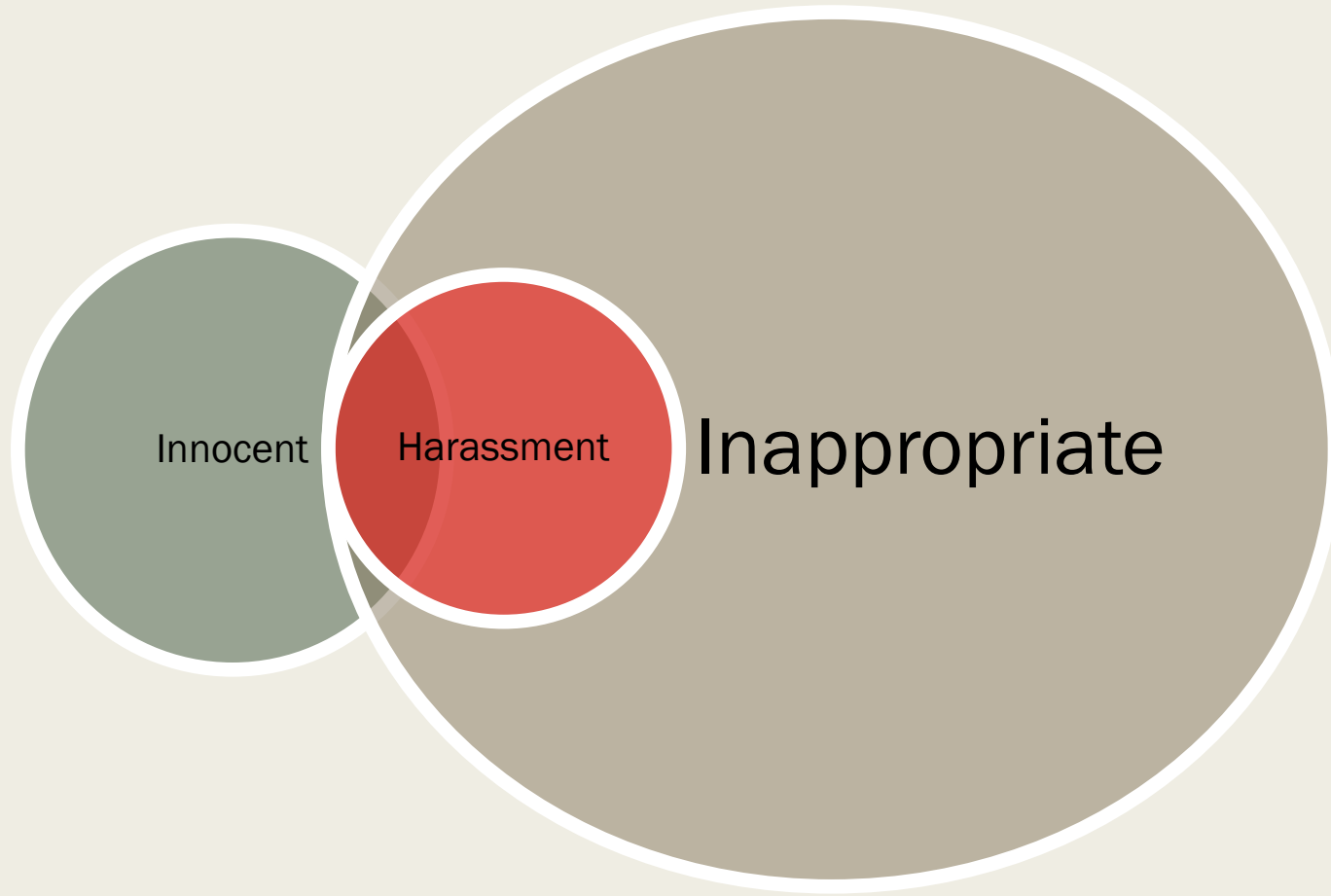
What is Sexual Harassment? In Plain English (Cont.)

- **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.*

Innocent, Inappropriate, or Harassment



Conduct becomes Harassment when it is



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

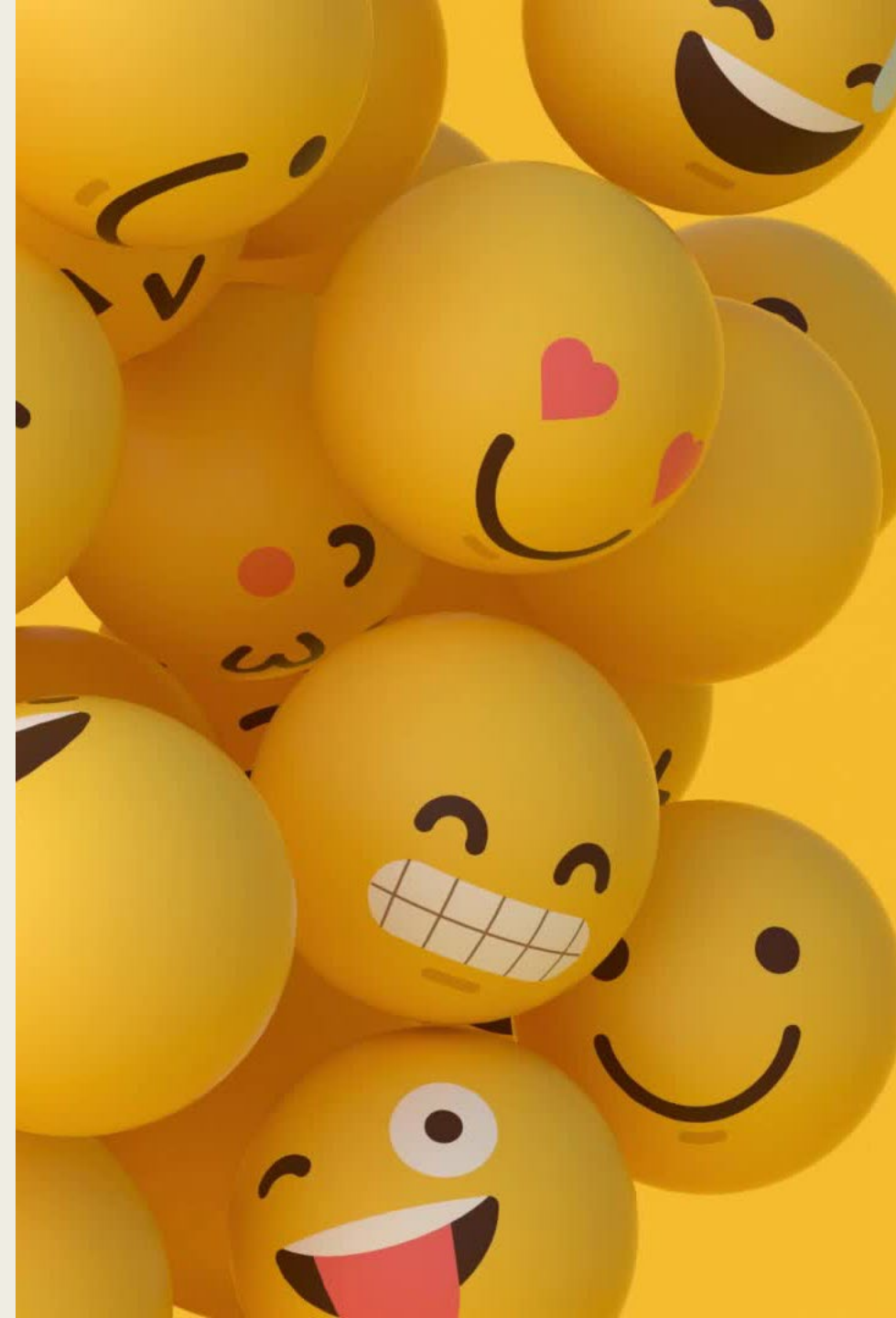
- Facebook
- Twitter
- LinkedIn
- Snapchat

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

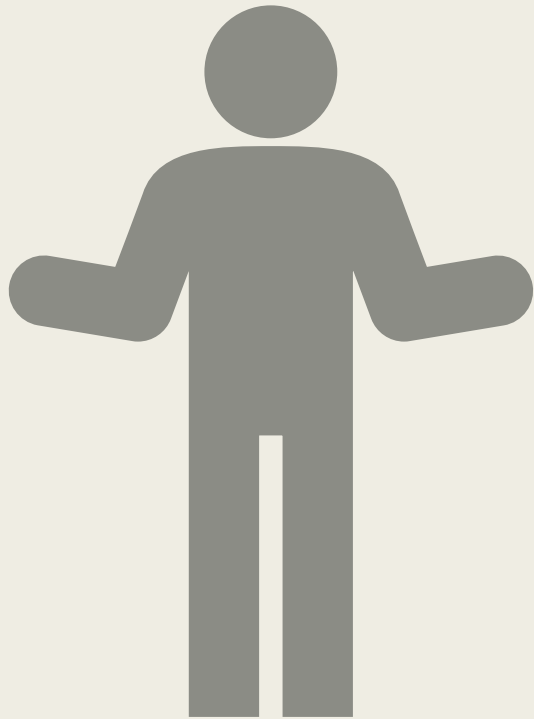
- If employees or elected officials, believe that they have been subject to sexual harassment or any unwanted sexual attention, they should make their unease and/or disapproval directly and immediately known to the harasser whenever possible.
- If the situation is not immediately resolved or if the employee or elected official is unable to address, or uncomfortable in addressing, the alleged harasser directly, he or she should report the incident to the City Manager, or Mayor if the person is uncomfortable reporting to the City Manager.
- It is be 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 City Manager or Mayor, 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 City Manager, Mayor, City Attorney

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.

Disciplinary Action For Retaliation

- Retaliation against an individual for reporting in good faith harassment or discrimination or for participating honestly and openly in an investigation of a claim of harassment or discrimination is a serious violation of Company policy and, like harassment or discrimination itself, will be subject to disciplinary action, to be determined at the sole discretion of the Company, including but not limited to,
 - *demotion,*
 - *probation,*
 - *transfer, or*
 - *termination.*





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.

Strategies to Prevent Sexual Harassment



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

The image features a dark, monochromatic background with a subtle grid pattern. A silver-colored pen is positioned diagonally on the left side, pointing towards the center. A large, white, L-shaped frame is superimposed on the image, with its top-left corner at the top-left and its bottom-right corner at the bottom-right. The text "MANDATORY REPORTING" is centered in the middle of the image, overlaid on the grid and the pen.

MANDATORY REPORTING

Elder Neglect or Abuse

- Utah Code Section 26B-6-205
- If an individual has reason to believe that a vulnerable adult is, or has been, the subject of abuse, neglect, or exploitation, the individual shall immediately report the suspected abuse, neglect, or exploitation to Adult Protective Services or to the nearest peace officer or law enforcement agency.

Child Neglect or Abuse

- Utah Code Section 80-2-602
- if a person ... has reason to believe that a child is, or has been, the subject of abuse or neglect, or observes a child being subjected to conditions or circumstances that would reasonably result in abuse or neglect, the person shall immediately report the suspected abuse or neglect to the division or to the nearest peace officer or law enforcement agency.

Magna Council Training



Nathan S. Bracken, City Attorney
September 8, 2026



Six-Member Form of Municipal Government – Key Laws and Ordinances

PART I

Laws, Ordinances, and Policies that Govern the Council

- ▶ The Magna Council is governed by the following:
 - ▶ Title 10 of the Utah Code;
 - ▶ Open and Public Meetings Act (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 Magna Municipal Code, particularly Title 1 (general provisions) and Title 2 (administration) – inherited from SLCo;
 - ▶ The Council's Rules of Order and Procedure; and
 - ▶ Applicable Magna policies, including its Personnel Policy

Six-Member Council Form of Government

UCA -10-3b-301 & 10-3b-303

- ▶ “The powers of municipal government in a municipality operating under the six-member council form of government are vested in a council consisting of six members, **one of which is a mayor.**” [10-3b-301](#);
 - ▶ **The Mayor is largely non-voting, with some exceptions**
- ▶ The Council “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” state law. [UCA 10-8-84](#);
- ▶ “The Council...is the legislative body of the municipality and exercises the legislative duties and functions of the municipality.” [UCA 10-3b-105](#); and
- ▶ In short, **the “buck stops” with the Council** because the Council is a self-regulating body that can taken any action not prohibited by law.

Council Authority to Delegate

UCA 10-3b-303

- ▶ “The Council in a municipality operating under a six-member council form of government...exercises any executive or administrative duty or function that has not been given to the mayor [by statute or by the Council].”
- ▶ The Council may delegate its executive and administrative (not legislative) powers to the following people:
 - ▶ To the Mayor;
 - ▶ To a City Manager the Council appoints and who serves at the Council’s pleasure; or
 - ▶ To individual Council members, including the mayor, to “supervise one or more administrative departments of the municipality.”
- ▶ **Magna has not adopted an administrative Code of its own, which means that the Council has not delegated any of its executive or administrative powers to the Mayor, which means the Mayor’s authorities are set forth in statute alone.**

Six-Member Form of Government – City Manager, Generally

UCA 10-3b-303

- ▶ Magna has employed a City Manager since at least 2019.
- ▶ The City Manager is appointed by and serves at the pleasure of the Council.
- ▶ Only the Council – not an individual Council member, including the Mayor – may appoint or dismiss the City Manager.
 - ▶ **As a result, the City Manager answers to, and is directed by, the full Council, usually through the Mayor, who works with the City Manager to ensure that the City Manager implements the Council's direction.**
- ▶ The City Manager may not perform the Mayor's statutory responsibilities, which include:
 - ▶ **"Any of the Mayor's legislative or judicial powers or ceremonial functions;"**
 - ▶ **"The Mayor's position as chair of the Council;"** or
 - ▶ **"Any ex officio position that the Mayor holds."**

Magna City Manager

R2026-12

- ▶ The Council has provided the following direction regarding the scope of the City Manager's role and responsibilities in its personnel policy:
 - ▶ “Decisions or instructions of individual Council members [including the Mayor], officers or committees are not binding on the City staff except when the Council has specifically authorized such exercise of authority by individuals or committees.” Art. XII
 - ▶ “The City Manager manages the operation of the City in consultation with the Mayor. **All authority over an accountability of employees and contractors are considered to be the responsibility of the City Manager.** The City Manager serves at the pleasure of the Council.” Art. XIII

Magna City Mayor – Mandatory Responsibilities – **UCA 10-3b-301**

- ▶ The Mayor has the following statutory responsibilities that cannot be modified:
 - ▶ Elected at large;
 - ▶ Chairs/presides over Council meetings;
 - ▶ Exercises ceremonial and ex officio functions;
 - ▶ May not veto any ordinance, tax levy, or appropriation the Council passes; and
 - ▶ Largely non-voting, but may vote when:
 - ▶ There is a tie vote;
 - ▶ When the Council is considering appointing or dismissing a city manager; or
 - ▶ When the Council is voting on an ordinance to remove or reinstate powers the Council has delegated to the Mayor or that the Mayor would carry out under UCA 10-3b-303.
 - ▶ Such votes require: (i) "the Mayor and a majority of all other Council members;" or (ii) "all Council members except the mayor." UCA10-3b-303

Magna City Mayor- Modifiable Responsibilities - **UCA 10-3b-104**

- ▶ State law requires the Mayor to perform the following functions, unless the Council directs otherwise by ordinance:
 - ▶ Serves as the "chief executive officer of the municipality to whom all employees of the municipality report;"
 - ▶ Enforces Magna's ordinances and polices;
 - ▶ Makes sure ordinances and resolutions are "executed and observed;"
 - ▶ Reports to Council on the condition and needs of Magna;
 - ▶ Perform those duties the Legislature or Council requires by statute or ordinance; and
 - ▶ And declares emergencies pursuant to state law and Magna Code.

Magna City Mayor- Modifiable Responsibilities, Cont.

- ▶ State law states that the Mayor may perform the following functions, unless the Council directs otherwise by ordinance:
 - ▶ Make recommendations to the Council regarding “any measure the mayor considers to be in the best interests” of Magna;
 - ▶ 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 Magna’s records.

MAGNA CITY COUNCIL
(5 Councilmembers + Mayor)

CITY MANAGER

CITY
ATTORNEY

CITY
RECORDER

CONTRACTORS & SERVICE
PROVIDERS
(MSD, UPD, UFA, ETC.)

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

Best Practices:

Council Rules of Order and Procedure

- ▶ The meeting is governed by the agenda, and the agenda constitutes the City Council's ordered list of items for discussion or decision. Final action may be taken on any action item that is in the open meeting and on the agenda. The Mayor administers the agenda
- ▶ Procedures for presentations, motions, voting, and reconsideration
- ▶ Formal nature of public hearings, witnesses, evidence, and expulsions
- ▶ Abide by the City's code of conduct



Best Practices:

Conducting City Business

- ▶ The Mayor and City Council should assign executive and administrative functions according to each Council and staff member's strengths (e.g. SOPs);
- ▶ Preparation, information, and coordination are key to the success of conducting and completing City business;
- ▶ Staff, the Mayor, and the City Manager should coordinate prior to adding an item to the next Council agenda;
- ▶ At the direction of the Mayor, staff and the City Manager should coordinate with each member of the Council individually or in groups less than a quorum on agenda items once a month prior to the Council meeting;
- ▶ After executive and administrative functions are assigned, standard operating procedures may be implemented to provide structure as to timing, informational expectations, and addressing questions and concerns; and
- ▶ Establish an agenda development policy with deadlines for agenda finalization and meeting packet distribution to ensure adequate time to prepare and review



Best Practices: Working with Staff and Contractors

- ▶ Treat staff with dignity and respect as required by the City's Code of Conduct and Personnel Policies
- ▶ Understand that no decision is the worst possible decision
 - ▶ Staff and contractors typically cannot act without Council direction taken on the record through an ordinance, resolution, or other formal direction;
 - ▶ Resolving differences of opinion between Council members is the Council's responsibility and is not the responsibility of staff or contractors

Best Practices:

Recommended Code Updates

- ▶ Update the City's administrative code (Titles 1 and 2 of the Magna Municipal Code) to clarify:
 - ▶ **The respective roles and responsibilities of the City Council, the Mayor, and the City Manager;**
 - ▶ **The Council's delegation of its administrative and executive authority to the City Manager as applied to staff, contractors, and service providers; and**
 - ▶ **How the City Manager's exercise of the Council's delegated administrative and executive authority interacts with the Mayor's responsibilities, particularly the Mayor's responsibilities under UCA 10-3b-104.**
- ▶ Adopt standard operating procedures (SOPs) for City operations in accordance with the updates to Titles 1 and 2.



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 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 Magna 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 Magna 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.

<https://training.auditor.utah.gov/courses/take/introductory-training-for-municipal-officials-2025/pdfs/61260432-ethics-laws-table-municipalities>

State Ethics Laws vs. Magna 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 Magna ([UCA 10-3-1306](#))
- ▶ Owning a “substantial interest” or working for a business that does business with Magna ([UCA 10-3-1307](#))
- ▶ Receiving compensation for assisting a person or business with a transaction involving Magna ([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.

<https://training.auditor.utah.gov/courses/take/introductory-training-for-municipal-officials-2025/pdfs/61260432-ethics-laws-table-municipalities>

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:**
 - ▶ Magna 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 – Magna Requirements

- ▶ Magna Ethics Code - [Chapter 2.07](#) of the Magna 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...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 Magna...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 – Magna (Disclosure)

- ▶ Two types of conflicts of interest – “restricted” and “unrestricted;
 - ▶ “Restricted Conflict” means any *“financial interest held by the employee or representative of [Magna], 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 [City] 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.”*

Conflicts of Interest – Magna (Restricted)

- ▶ 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 [City] officer with authority to void or terminate the action. That body or [City] officer may also ratify any prior governmental action that was taken in violation of this section.”*

Conflicts of Interest – Magna (Unrestricted)

- ▶ Restricted 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

Magna Social Media Policy

Magna personnel should not use personal social network accounts, user IDs, or email accounts when commenting in their official capacity on Magna social media accounts or when otherwise conducting official Magna business on non-Magna social media accounts. **Any personnel representing Magna on any social media account will conduct themselves at all times as a representative of Magna 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, Magna personnel should not use their Magna user IDs or Magna email accounts when acting in their personal capacity on non-Magna social media accounts or otherwise conducting personal business. Section V.11.

Magna Social Media Policy

Rules of Conduct

- ▶ When representing Magna, Section V.4 prohibits Magna 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 Magna 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>.
- ▶ [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 – **ÂSSUME THE BEST OF EACH OTHER;**
 - ▶ 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 City 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., City Manager), to make official statements and communications obo the Council and the City.**

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 Magna as an entity:
 - ▶ We do not represent any Magna 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 through the City Manager pursuant to the City’s personnel policy to the limit the number of requests (and related costs); or
- ▶ 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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