

City of La Verkin

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La Verkin City Council Meeting Minutes

Wednesday, August 21, 2019 6:00 p.m.

Council Chambers, 111 S. Main, La Verkin, Utah

Present: Mayor Richard Hirschi, Council Members: Randy Reeve, Patricia Wise, Kelly Wilson, Ray Justice and Micah Gubler; Staff: Kyle Gubler, Derek Imlay, Kevin Bennett, Chief Ben Lee and Christy Ballard; Public: Brian Stewart, Susan Lewis and Melanie Abplanalp-Washington County Auditor's office, John Valenti, Sherman Howard, Hugh Howard, Tiffany Mower, Laura Justice, Blair Gubler, Leon Gubler, Lynn Maxwell, Officer Jared Barker and family and Nick Wright.

A. Called to Order – The prayer and the Pledge of Allegiance were given by Kyle Gubler at 6:00pm. Mayor Hirschi explained the order of the presentation needs to be changed and business item 1 and 2 need to be switched.

B. Presentation:

1. Hugh Howard

Hugh Howard explained he was asked by Kerry Gubler to write a song for Founders Day. He then preformed the song for the Councilmembers.

2. Chief Ben Lee

Chief Lee presented Officer Barker with a Letter of Commendation for his actions in a structure fire. Officer Barker was able to pull the victim further from the fire and help stabilize him until medical arrived.

Chief Lee said he would also like to recognize Matthew Colby, a citizen of La Verkin, who was able to get the victim out of the trailer. He was not able to attend the meeting so Chief Lee will give him his certificate and City coin later.

Mayor Hirschi asked about the condition of the victim.

Chief Lee reported he was life flighted to Las Vegas where he was put into a medical induced coma.

C. Consent Agenda: (Items on the consent agenda may not require discussion. These items will be a single motion unless removed at the request of the Mayor or City Council.)

1. Declarations of conflict of interest
2. Minutes: August 7, 2019 regular meeting.
3. Review Checks and Invoices: \$175,497.01

Motion was made by Councilwoman Patricia Wise to approve the consent agenda as amended, including the minutes of the August 7, 2019 regular meeting and Checks and Invoices in the amount of \$175,497.01, second by Councilman Kelly Wilson. Roll Call Vote: Reeve-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

D. Committee Reports:

1. Fire District-Battalion Chief Nick Wright reported on the brush fire in La Verkin. It burned approximately 19 acres and was started by oil-soaked rags spontaneously combusting. No one was injured but it did require the use of four, single engine air tankers and a Chinook helicopter. The State will cover that cost. The fire was ruled an accident.
One of our wildland crews are stationed on the Arizona Strip and another is stationed locally.
2. Sewer Board-Blair reported their board meeting is tomorrow, August 22nd. There are several emergency projects that will be presented at that meeting. He will report on those after the Board has a chance to discuss them.
3. Planning Commission-Nothing to report.
4. Water Board-Nothing to report.

E. Citizen Comment & Request for Future Agenda Items:

No comments were made.

F. Business:

1. Primary Election Canvass.

Susan Lewis made the introductions. Melanie Abplanalp is the Washington County election specialist. Melanie pointed out this is the City's first Vote-By-Mail election, so she explained the process. La Verkin City had a total of 444 ballots counted before the end of election night with an additional 111 on election day, either from the mail or the drop box, giving the City a total of 555 ballots cast. The voter turnout percentage was 30.71% which is great for a primary election.

Mayor Hirschi clarified there are three ways a citizen can vote; mail the ballot, place it in any drop box or vote in person on the day of election.

Melanie replied that is correct and said the closest vote in person location for La Verkin residents would be the Hurricane Community Center.

All ballots need to be postmarked the day before election day. Then cities need to have a canvass day no sooner than 7 days and no later than 14 days after the election. This gives enough time for properly postmarked ballots to be counted.

The 2019 Primary Election results in ballot order:

Brian Stewart	129
John Valenti	137
Kelly B. Wilson	311
Charles Edward "Chuck" Hardy	220
Micah T. Gubler	364
Jason Tallakson	38
Total official ballots cast:	<u>555</u>

Melanie explained citizens could vote for up to three people. Some may have voted for only 1 or 2.

Councilman Justice pointed out one candidate was disqualified after the ballot was sent out for not submitting proper paperwork, so those posts had a dupe count.

Melanie explained that they do not count votes for candidates that are disqualified or withdraw.

Motion was made by Councilman Ray Justice to accept the Primary Election Canvass, second by Councilman Randy Reeve. Reeve-yes, Gubler-yes, Justice-yes, Wise-yes, Wilson-yes. Motion carried unanimously.

2. Annual Training on Open and Public Meetings Act (OPMA) and Government Records Access and Management Act (GRAMA) for members of the City's public bodies (including but not limited to the City Council, Planning Commission, and Board of Adjustment), as required by law.

Kevin gave the annual OPMA and GRAMA training. See Exhibit A

3. Discussion and possible action to approve Proclamation No. 2019-03; a proclamation designating September 17-23, 2019 as Constitution Week.

Kevin explained this proclamation asks the people to be cognizant of the constitution, to read, study and apply it and to make sure we continue to promote and maintain the Constitution of the United States. The week was chosen because September 19th is the anniversary of the signing/adoption of the Constitution.

Motion was made by Councilman Kelly Wilson to approve Proclamation No. 2019-03; a proclamation designating September 17-23, 2019 as Constitution Week, second by Councilman Ray Justice. Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Reeve-yes. Motion carried unanimously.

4. Discussion and possible action to approve Ordinance No. 2019-08; an ordinance amending section 8-2-8 of the La Verkin City Code, dealing with connection standards for secondary water.

Derek explained House Bill 52 requires all secondary water be metered. For that to happen, the valving process the City currently uses will need to be changed.

This ordinance will require all new development coming in to set either a specific yoke or setter or something similar so when a meter that can register Virgin River water comes available it can be easily installed.

The City needs to submit a form to the State in October/November stating how the City is going to address metering secondary water. This is one of the ways the City is going to show they are working toward that requirement.

This ordinance will add the requirement to the City's Connection Standards/Code for any new development.

Kevin explained the red line copy in the packet shows what the Code currently states and what it will be changed to.

Eventually, this all may end up in the Construction Standards book staff is currently working on. This will be a separate book that can be updated quicker to keep up with all the changes in building. Right now, we need to make sure our law matches State requirements.

Mayor Hirschi asked what the cost difference was between a regular valve and the new requirement.

Derek thought the difference was approximately \$175. The regular valve is about \$75 and the new yoke and setter is about \$250. This does not cover the cost of the meter.

No one is willing to warranty a meter for Virgin River water. If the State requires La Verkin to install a meter which is about \$230-\$250 each, with no warranty, it could end up costing the City a lot of money every 2-3 years when those meters need to be replaced.

Impact fees cannot be increased to cover that change, it would be the cost of irrigation water. We could end up charging more for irrigation water than we do culinary water and that defeats the purpose of conserving drinking water.

Kyle reported the original version of the bill made it mandatory for people to use irrigation water regardless of the cost. That portion did not pass.

Councilman Wilson reported on the situation in Tremonton where the City has begun installing secondary water meters and charging people. It increased some of the irrigation bills to over \$200 while the people who didn't have the new meters were still being charged \$10.

The City is trying to discuss the issue we would have with metering Virgin River Water with the Water Task Force.

He also requested a change to number 4 in the Connection Standards. It currently states, "All irrigation lines installed shall be schedule-900 purple pipe" and needs to be more specific and state "All irrigation lines installed shall be C-900dr-18 purple pipe".

Kevin will make that correction.

Derek said he has completed about 90% of the revisions for the Construction drawings. Once that has been completed it will come to the Council for approval. That will eliminate a lot of construction ordinances in the Code.

The requested change doesn't change anything the ordinance is intending, it is just being more specific on the type of C-900 purple pipe required.

Councilwoman Wise said she knows there are experimental irrigation meters being monitored throughout the City. She wondered if those meters are holding up to the Virgin River water.

Derek explained there are six meters, 4 Master Meters and 2 are iPerl. They are being read manually and there has not been a lot of data gathered yet. We can read the Master Meter meters electronically, we just to change our Pelorus computer program, which we haven't been able to do yet. The way the information is recorded is going to determine what our issue will be, not the meter itself, so he really can't give a good answer.

He should be able to give a chart of daily usage as we get closer to the end of the season which will be November 15th.

Councilman Wilson mentioned another city took 3 or 4 different types of meters and put them all together and ran the same water through them all to see how they performed against each other. La Verkin may want to do that.

The reason the manufacturers are not warranting the meters is that they do not have any confidence that they will be able to meter accurately over time and accurate readings are important.

Derek commented that he liked that idea. He would like to use them on our parks where we use a lot of water daily.

Councilman Reeve clarified that we are doing this because of a state law?

Kyle explained the meters are not going to be installed yet but part of HB52 states any new construction will be required to have a setter installed so a meter can be installed in the future. The City is not going to put the meter in until the State requires it.

Councilman Gubler pointed out part of the idea is to show the State that we are trying to be as compliant as we can while the issues are being worked out.

Kyle reported he heard that Senator Anderegg may be willing to exclude cities with 4th, 5th and 6th classification. La Verkin is a 5th class city.

Councilman Wilson explained the Water Task Force has been directed to discuss the issues with HB52. He and Kyle have been attending those meetings and so far, it has not been discussed. He has been pushing for it to be on the agenda, but they keep saying they are going to put a committee together to study it and give them (the Water Task Force) a recommendation and they in turn will give a recommendation to the State Legislature. To this point, that hasn't happened and it's very frustrating.

Kyle said the League is getting frustrated with them too, which is the first time they have been on the City's side with this issue. They told him they would put the pressure on the Water Task Force and if they don't do anything the League would put together its own committee and make a recommendation to the Water Task Force.

Motion was made by Councilman Kelly Wilson to approve Ordinance No. 2019-08; an ordinance amending section 8-2-8 of the La Verkin City Code dealing with connection standards for secondary water as amended to include the change to number 4 in the connection standards, second by Councilman Micah Gubler. Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Reeve-yes. Motion carried unanimously.

5. Discussion and possible action to approve a lease purchase agreement for a 420 CAT Backhoe and associated financing.

Derek explained four years ago the City had 2 backhoes, a CASE and a CAT. The CASE was 25 years old and the CAT was 15. At the time, the backhoe manufacturers had a government program where they would lease cities a backhoe for \$3,500 per year and each year the city would get a new backhoe. La Verkin did this for 2 years and then the program went away. In those 2 years the City sold the CASE backhoe and we had to work out a deal with CASE to keep the leased backhoe. The cost is \$10,000 per year, which is half the amount of a normal lease price. It is time to sign a new lease and the amount we still owe is \$80,000 on a \$90,000 backhoe that we have been paying on for 2 1/2 years. This backhoe has also had major electrical issues, among other things, and the warranty only covers parts. The City has had to pay someone from Century to come down from Cedar City to work on it and that has cost the City about \$3,000 a year.

Derek decided to talk with Wheeler to see if they could offer the City a better deal. They offered us a lease/purchase agreement that will cost the City \$19,500 a year for 5 years. At the end of those 5 years the City will own the backhoe.

The City does have a big need for a backhoe, and he feels this is the best option. One of the concerns is where the money would come from. He is proposing half of the amount comes out of the Water Fund and the other half continue to come out of the General Fund. He is aware of the Councilmembers concern with taking money out of the Water Fund so soon after the water rate increase and the City still trying to determine the revenue from that increase. However, the water department does use the backhoe about 80% of the time. Over the past three weeks it has been used to repair 12 leaks with 6 more reported yesterday. It makes sense to him that the Water Department pay its share. Purchasing the backhoe will tie that money up for the next 5 years.

Kevin reported the contract was given to him just yesterday, so he reviewed it and sent it to the Council members last night and called a meeting with relevant staff to review it.

He explained Wheeler is treating the agreement like a bond and are requiring him to certify everything the City has done and everything Wheeler has done was complete under State Law and under the contract.

Derek explained the agreement with CASE is almost up and they are pushing for a decision from the City also. This agreement would cost the City an additional \$7,000 per year but at the end of 5 years we would own the backhoe.

Kevin pointed out Wheeler is in Hurricane so if it needs to be worked on it won't have to go as far.

Derek said this would affect some of the proposed projects in the water department, but the meter replacement project would not be one of them.

Kevin explained this agreement does require a resolution so he used their resolution under Exhibit B and moved it to the front of the contract and this is what the Councilmembers will adopt along with the contract.

Christy said there is not a resolution number and asked the Council to approve the resolution and she will assign it a number later.

Councilwoman Wise would like Derek and/or Kyle to get a review of expenditures for the water projects so the Council can see what projects this purchase will affect.

Kyle said December is the one-year anniversary of the water rate increase but keep in mind we have had an abnormally wet year so the information may be skewed.

Motion was made by Councilman Kelly Wilson to approve a resolution approving a lease purchase agreement for a 420 CAT Backhoe and associated financing, second by Councilwoman Patricia Wise.

Christy reported the resolution number will be Resolution No. R-2019-23.

Roll Call Vote: Wilson-yes, Wise-yes, Justice-yes, Gubler-yes, Reeve-yes. Motion carried unanimously.

G. Mayor & Council Reports:

Mayor-He thanked the Directors for their reports.

Tuesday, August 27th, Lieutenant Governor Spencer Cox will be in La Verkin. He will be hosting a service project in Confluence Park at 5:00pm at the La Verkin Trailhead. The project will be at the power station.

He was at the City Office and a citizen came in to complain his irrigation water had been off for a couple of days.

Apparently, someone had turned off the water thinking it was only their water, and it ended up turning off services to about 50 people. He urged the citizens to call the City office before they shut off any water. It is illegal for a citizen to turn off City water.

He thanked Derek's crew for helping to install targets at the shooting range.

Wilson- West Nile Virus has been found in Washington County. The La Verkin Hot Springs Committee meets next week.

Wise- Nothing to report.

Justice-He has been communicating with Commissioner Iverson regarding the seed display for the Washington County Fair. There was some miscommunication as to what was and was not required for the Fair this year. There were several people disgruntled that La Verkin did not have a traditional seed display. Victor Iverson put something together so La Verkin was at least represented, but it was not a seed display.

He is working on clarifying the regulations so that next year we are properly represented.

Gubler- He spoke with Chief Lee regarding the City's emergency preparedness plan and the consensus was that it had not been updated in a while. They will be meeting to review it and he will report back to the Council.

Reeve-Solid Waste signed a contract with Republic to process the recyclables. Rocky Mountain Recycling (RMR) had been processing all the recycles once Republic delivered it to them. RMR filed forfeiture and claimed they could not stay in business with what they were getting paid. Republic picked up the contract, but the rate is quite a bit more, \$128 a ton, and they will be shipping everything to Las Vegas.

RMR was processing everything in St. George but claimed there was a lot of contamination and shipping what was contaminated back to the landfill. There were no checks and balances so Solid Waste is not sure how much was really contaminated. Now they know everything that goes into the recycle bin will be processed in Las Vegas.

Because the market is so poor, Solid Waste is asking everyone to limit their recycling to cardboard, metal cans and plastics 1 and 2, which are plastic containers where the lid is smaller than the body, such as milk jugs and water bottles.

The District will be putting out a lot of material to re-educate people.
The District is covering the increase so there will not be a rate increase. Pickup dates will remain the same.

H. Adjourn:

Motion was made by Councilman Ray Justice to adjourn. Motion carried unanimously at 7:50pm.

Minutes where done by Christy Ballard.

September 18, 2019
Date Approved

Richard M. Hirschi
Mayor Richard M. Hirschi

ATTEST:

Christy Ballard
Christy Ballard
City Recorder

PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674 (12 Apr 89)



PUBLIC TRUST

- Public service is a **public trust**, requiring employees to place **loyalty** to the Constitution, the laws and ethical principles **above private gain**.



FINANCIAL INTERESTS

- Employees shall not hold:
 - **financial interests**
 - that **conflict**
 - with the conscientious performance of duty.



NON-PUBLIC INFO.

- Employees shall not:
 - engage in financial transactions using **nonpublic Government information** or
 - allow the improper use of such information to **further any private interest**.

GIFTS

- An employee shall not:
 - * except as [provided by regulation]
 - * **solicit or accept**
 - * any **gift** or other item of monetary value
 - * from any person or entity
 - * seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or
 - * whose interests may be substantially affected by the performance or nonperformance of the employee's duties.

HONEST EFFORT

- Employees shall put forth **honest effort** in the performance of their duties.



COMMITMENTS

- Employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the Government.

PRIVATE GAIN

- Employees shall not use **public office for private gain**.



IMPARTIALITY

- Employees shall **act impartially** and not give preferential treatment to any private organization or individual.



USE OF GOVERNMENT PROPERTY

- Employees shall:
 - **protect and conserve** Government property and
 - not use it for **other than authorized activities**.



OUTSIDE EMPLOYMENT

- Employees shall not engage in **outside employment or activities**, including seeking or negotiating for employment, that **conflict** with official Government duties and responsibilities.

DISCLOSURE!

- Employees shall **disclose waste, fraud, abuse, and corruption** to appropriate authorities.



GOOD FAITH

- Employees shall satisfy in good faith their obligations as citizens, especially those—such as Federal, State, or local taxes—that are imposed by law.



EQUAL OPPORTUNITY

- Employees shall adhere to all laws and regulations that provide equal opportunity for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.

AVOID THE VERY APPEARANCE!

- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.



AVOID THE VERY APPEARANCE!

- Employees shall endeavor to avoid any actions creating the appearance that they are violating the law or ethical standards.
- Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.

A QUICK REVIEW

- **Public service is a public trust.**
- No conflicting financial interests.
- Significant limitation on **gifts**.
- No improper use of non-public information.
- Put forth an honest effort.
- No unauthorized commitments / promises.
- Can't use public office for private gain!

A QUICK REVIEW

- Act impartially. No preferential treatment.
- Protect and conserve Federal property. No unauthorized use.
- No conflicting outside employment or activities.
- Disclose waste, fraud, abuse and corruption.
- Satisfy obligations as citizens in good faith.

A QUICK REVIEW

- Adhere to all "equal opportunity" laws and regulations.
- Avoid even the appearance of impropriety!

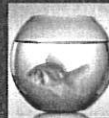
SUMMARY

- PUBLIC TRUST
- \$\$\$ INTERESTS
- NON-PUBLIC INFO.
- GIFTS
- HONEST EFFORT
- COMMITMENTS
- CAN'T USE FOR PRIVATE GAIN!
- IMPARTIALITY
- PROPER USE OF FEDERAL PROPERTY
- NO CONFLICTING EMPLOYMENT OR ACTIVITIES
- DISCLOSE WRONGS!
- SATISFY CITIZEN OBLIGATIONS IN GOOD FAITH
- EQUAL OPPORTUNITY
- AVOID THE "VERY APPEARANCE" OF WRONGDOING

Utah's Municipal Officers and Employees Ethics Act

- 10-3-1301. Short title.
- 10-3-1302. Purpose.
- 10-3-1303. Definitions.
- 10-3-1304. Use of office for personal benefit prohibited.
- 10-3-1305. Compensation for assistance in transaction involving municipality. Public disclosure and filing required.
- 10-3-1306. Interest in business entity regulated by municipality. Disclosure statement required.
- 10-3-1307. Interest in business entity doing business with municipality. Disclosure.
- 10-3-1308. Investment creating conflict of interest with duties. Disclosure.
- 10-3-1309. Inducement officer or employee to violate part prohibited.
- 10-3-1310. Penalties for violation. Dismissal from employment or removal from office.
- 10-3-1311. Municipal ethics commission. Complaints charging violations.
- 10-3-1312. Violation of disclosure requirements. Penalties. Rescission of prohibited transaction.

REMEMBER WHO YOU ARE AND WHO YOU REPRESENT



PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674 (12 Apr 89)

1. **Public service** is a **public trust**, requiring employees to place **loyalty** to the Constitution, the laws and ethical principles **above private gain**.
2. Employees shall not hold **financial interests that conflict** with the conscientious performance of duty.
3. Employees shall not engage in financial transactions using **nonpublic Government information** or allow the improper use of such information **to further any private interest**.
4. An employee shall not, except as [provided by regulation], **solicit or accept** any **gift** or other item of monetary value from any person or entity seeking official action from, doing business with, or conducting activities regulated by the employee's agency, or whose interests may be substantially affected by the performance or nonperformance of the employee's duties.
5. Employees shall put forth **honest effort** in the performance of their duties.
6. Employees shall not knowingly make **unauthorized commitments or promises** of any kind purporting to bind the Government.
7. Employees shall not use **public office for private gain**.
8. Employees shall **act impartially** and not give preferential treatment to any private organization or individual.
9. Employees shall **protect and conserve** Federal property and shall not use it for **other than authorized** activities.
10. Employees shall not engage in **outside employment or activities**, including seeking or negotiating for employment, **that conflict** with official Government duties and responsibilities.
11. Employees shall **disclose waste, fraud, abuse, and corruption** to appropriate authorities.
12. Employees shall **satisfy in good faith their obligations** as citizens, especially those—such as Federal, State, or local taxes—that are imposed by law.
13. Employees shall adhere to all laws and regulations that provide **equal opportunity** for all Americans regardless of race, color, religion, sex, national origin, age, or handicap.
14. Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards. Whether particular circumstances create an appearance that the law or these standards have been violated shall be determined from the perspective of a **reasonable person** with knowledge of the relevant facts.

The Role of Local Government and your Role therein

We do not live in a democracy

We live in a type of a republic, a hybrid: a **democratic republic**

“We the People” – created the Constitution, the root auth. of law here – power of and from the people

People & Government: How do the two converge?

People: study the issues & elect their leaders, observe what they do, and provide input for consideration

Government:

1. City Council:

1. Acting as a body: consider the issues and any input, take action to set law and policy for the community
2. Acting individually: very little authority (unless specifically delegated to you): serve on various committees, commissions, etc., and boards, to either as a voting member of liaison of the City, to represent the City's interests (although sometimes their first duty may be toward the district or commission on which they serve) (little-to-no ind. auth.)
3. Legislative, not administrative (typically)

2. Mayor:

1. Chairman of the board (the council)
2. Administrative head of the City

3. Staff: Administration; enforce and carry out the will of the government and its laws, policies, and procedures

Tonight: Talk about –

1. Your role in govt. and the transparency of what you do to/for the people you rep.
2. Openness and Due Process

2. You were elected to carry out the public's business
 - a. That is who you represent
 - b. That is who you act for—as a whole (not for self, family, friends, or select individuals)
 - c. You are invested w/ some serious auth., & except in ltd. circs., make the rules w/in your auth.
 3. Therefore:
 - a. What you do is about the City's business
 - b. What you do IS the City's business
 - c. You live/operate in a fish bowl; what you do (or are perceived to do):
 - i. Affects your ability to participate and properly govern
 - ii. Likely to be subj. to public scrutiny, w/ all its imperfect perceptions
-

Because it is govt., everything starts w/ the **Constitution** & certain principles

1. Procedural due process
2. Substantive due process
3. Equal protection of the laws
4. No *ex post facto* laws

Procedural due process: reasonable notice & an opportunity to be heard

Substantive due process: fairness and reasonableness

At the State level, laws have been adopted to govern/restrict your actions:

1. Title 10, Chapter 3 (Municipal Government)
2. Title 52, Chapter 4 (Open & Pub. Mtgs. Act - OPMA)
3. Title 63G, Chapter 2 (Govt. Recs. Access & Mgmt. Act - GRAMA)

Title 10, Ch. 3 – Six-Member Council

OPMA – How you conduct the public's business

GRAMA – How you handle / address the records of the public's business

- Freedom of Information Act
 - Privacy Act
-

OPMA:

1. Legislative policies:
 - a. **Conduct deliberations openly**
 - b. **Take actions openly**
 - c. **Openness**, with some specified exceptions (closed sessions)
2. Applies to CC, PC, LU Auth, Comms., Coms., part. if set up by ord/res.
3. Applies to Convened meetings by a public body with a quorum present
4. Cert. min. reqs.: notices, recording, mins., spec. rules for electronic mtgs.
5. Specifies when & how closed mtgs. may occur – very ltd. (never req'd!)
6. Stay w/in the law! Civil/criminal sanctions
7. Avoid probs. = err on side of transparency; when in doubt, be open
 - a. Don't violate even the spirit of the act
 - b. Protect and facilitate due process rights

GRAMA

1. Two Constitutional Rights: access + privacy
2. Legislative intent:
 - a. Promote easy & reasonable access
 - b. Spec. when restricts. on access may outweigh public int. in access
 - c. Prevent abuse of confidentiality
 - d. Provide for equitable weighing
 - e. Favor public access
 - f. Estab. fair & reasonable mgmt. practices
3. Issues: what is a record? (review various types)
4. Access to records favored
5. Some “records” are not records
6. Some are not public (private, controlled protected)
7. Disclosure of record: when proper
 - a. Public
 - b. Non-public, if –
 - i. Consensual, and no one harmed thereby
 - ii. Sptd. by balancing of public vs. private ints.
8. Classification, Management, and Destruction/Disposition

Summary:

1. Keep in mind:
 - a. Public policy behind Act
 - b. Intent of the Legislature
 - c. Who we work for

2. Very similar considerations as those re OPMA
 3. OPMA = GRAMA ... "Let the Sun Shine in!"
-

Quick Review of **Ethics** - "**Utah Municipal Officers and Employees Ethics Act**"

1. Utah's law for municipal offs./emps. [Title 10, Chapter 3, Part 1300]

2. **14 Principles:**

- a. Public Trust
- b. Financial Interests
- c. Non-Public Information
- d. Gifts
- e. Honest Effort
- f. Commitments
- g. Private Gain
- h. Impartiality
- i. Use of Government Property
- j. Use of Government Property
- k. Outside Employment
- l. Disclosure (of waste, fraud, and abuse/corruption)
- m. Good Faith
- n. Equal Opportunity

3. **Avoid the Very Appearance!**

4. Quick Review:

- a. Public service is a public trust.
- b. No conflicting financial interests.
- c. Significant limitation on gifts.
- d. No improper use of non-public information
- e. Put forth an honest effort
- f. No unauthorized commitments / promises
- g. Can't use public office for private gain
- h. Act impartially; no preferential treatment
- i. Protect and conserve property; no unauthorized use
- j. No conflicting outside employment or activities
- k. Disclose waste, fraud, abuse, and corruption
- l. Satisfy obligations as citizens in good faith
- m. Adhere to all "equal opp." laws and regs.
- n. Avoid the very appearance of impropriety

5. **REMEMBER WHO YOU ARE AND WHO YOU REPRESENT!**

