MINUTES OF THE MURRAY CITY ETHICS COMMISSION JANUARY 17, 2019

The Murray City Ethics Commission met on January 17, 2019 beginning at 2:30 P.M. at Murray City Center 5025 South State Street, Conference Room, Murray, Utah.

Present at the meeting were the following Commission Members: Donnetta B. Mitchell, Susan Gregory, Todd Allen, and Karen E. Johnsen. Also present from staff was Briant J. Farnsworth II, Deputy City Attorney, Mark Richardson, Senior City Attorney and Carisa Gale from the City Attorney's office.

Commission members asked whether there was supposed to be a fifth member on the Commission. Mr. Farnsworth indicated that the fifth position was currently vacant, and that the Mayor's Office is currently looking into making an appointment.

The meeting was being held pursuant to proper notice. After giving introductions, Mr. Farnsworth opened the meeting by distributing written training material and by stating that the purpose of the meeting was to elect a Commission Chair, a Vice Chair, and to address several training items. Mr. Farnsworth gave a brief review of the responsibilities of the Chair. Todd Allen stated that due to his work obligations he would not be able to serve either position. Susan Gregory nominated Donnetta Mitchell as Chair and Karen Johnson nominated Susan Gregory as Vice Chair. There were no further nominations. The Commission members elected by acclamation Donnetta Mitchell as Chair and Susan Gregory as Vice Chair.

Mr. Richardson proceeded to review Chapter 2.46 of the Murray City Municipal Code, entitled "Ethics and Standards of Conduct." He went over the definition of "City Personnel." The code outlines how City Personnel cannot use their position for personal gain. The responsibility of the Ethics Commission is to review and adjudicate any complaints that violate the City Ethics Code and dismiss any that do not.

A question was asked regarding legal representation for the Commission in case there was a conflict of interest with City Personnel. Mr. Farnsworth indicated that if there is a real or perceived conflict of interest, the Commission would receive outside legal counsel to advise them. That counsel would be compensated by the City.

A question was asked regarding relatives of City Personnel that have a real or perceived conflict of interest. Mr. Richardson stated that if City Personnel has a family member that could have a real or perceived violation of the City Ethics Code, it would be best for the City Personnel to err on the side of caution and disclose the conflict.

There was a brief conversation as to whom initiates the meetings in the future. The Attorney's office will coordinate the meetings in the future.

Mr. Farnsworth discussed the process and procedures of the Ethics Commission. He stated that a complaint must comply with the requirements of the ordinance. If the complaint does not comply with the ordinance the complainant will be notified and have an opportunity to fix any errors, unless it is obviously a frivolous complaint. Frivolous complaints are those filed for harassment or political purposes.

Mr. Farnsworth then reviewed the process of filing a complaint, timing for each process, and notification to the appropriate parties if the complaint complies with the ordinance. He reviewed the hearing process including listening to evidence and witnesses. The formal review hearing is an open meeting which anyone can attend. Deliberation meetings can be closed, including to Attorney office staff. Notice of the decision and findings of the Commission must be given in a public meeting.

Mr. Farnsworth indicated that if an ethics complaint was proven against an elected official, the Commission would forward their findings and recommendations to the Salt Lake County District Attorney for appropriate action to be taken. He discussed the need for confidentiality regarding matters before the Commission. He went over the requirement of an annual report.

Mr. Richardson next reviewed the Rules of Evidence. The purpose of the Rules of Evidence is to promote fairness to everyone involved. There are questions to consider while reviewing evidence. These questions consist of whether the evidence is relevant, hearsay, an opinion, "bad character" based, if the witness or evidence is credible, if the evidence is privileged communication, and/or if the evidence is "too prejudicial."

Mr. Farnsworth then discussed the Utah Open and Public and Meetings Act, Title 52, Chapter 4, Part 4 of the Utah Code. To keep compliant with the Act, all public bodies require training yearly. It is very important to have transparency with the public; therefore, actions and meetings should be done publicly. A meeting is considered held when a quorum is assembled. A quorum, for the Ethics Commission, is defined as three or more Commission members. A Public Notice is required no later than 24 hours before a meeting and must include an agenda. Recorded and written minutes must be taken for open and closed meetings. An Ethics Commission meeting can be closed for the purpose of receiving legal advice with a two-thirds vote of the Commission members. Electronic communications are subject to the Act. Violation of the Act is a Class B Misdemeanor.

Mr. Farnsworth encouraged a set of Bylaws be created for the Ethics Commission Board. Bylaws will be drafted by Mr. Richardson. Mr. Farnsworth will be drafting the 2018 Ethics Commission Report. Donnetta Mitchell will sign it when it is complete.

There being no further business the meeting was adjourned.

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Donnetta B. Mitchell, Chair