

MINUTES OF THE MURRAY CITY
ETHICS COMMISSION TRAINING MEETING
NOVEMBER 18, 2020

The Murray City Ethics Commission met on Wednesday, November 18, 2020 beginning at 3:00 P.M. for a meeting held in accordance with Utah Code section 52-4-207 which allows for electronic meetings to be held without an anchor location so long as the public has an opportunity to view the meeting and proper notice has been provided.

Present: Susan Gregory, Acting Chair
Todd Allen
Duane Jess
Dan Fazzini
Dustin Matsumori

Briant J. Farnsworth II, Deputy City Attorney
Mark Richardson, Senior City Attorney

The meeting was opened by Acting Chair Ms. Gregory reading into the record the Acting Chair's determination authorizing the electronic meeting.

After introductions of commission members and staff, 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, and what might be considered conflicts of interest. A question was asked whether there was an official conflict of interest form Commission members needed to fill out if there was a conflict. Mr. Richardson indicated he did not think the City code addressed that. Mr. Richardson advised that 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.

Mr. Farnsworth discussed the process and procedures of the Ethics Commission. He stated that a complaint must comply with the requirements of the ordinance. A question was asked if the Commission dealt with any complaints, such as internal issues with other employees. Mr. Farnsworth indicated that those would be handled by different groups, and that this Commission is only to review complaints of ethical violations of city code or state law. 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 general process of filing a complaint, mentioned that there are timing requirements for each process, and notification requirements to appropriate parties if the complaint complies with the ordinance. 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. He discussed the need for confidentiality regarding matters before the Commission.

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 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 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. Electronic communications are subject to the Act. Violation of the Act is a Class B Misdemeanor.

A question was asked whether in the future the Commission could receive training on how to handle an ethics complaint situation, from start to finish, in a more interactive or role-playing manner. Staff indicated that they could work on presenting such a training at the January 2021 meeting. A commission member indicated that training could be important, since one falls back on their highest level of training. Another question was asked whether outside counsel is ever brought in to assist the commission. Mr. Farnsworth indicated that outside counsel is a possibility but wasn’t sure what code provision allowed for it.

Due to a lack of time, the fourth training item, “Discussion of Hypothetical Case” was continued and will be discussed at a subsequent meeting.

There being no further business the meeting was adjourned.

Susan Gregory, Acting Chair