OPEN AND PUBLIC MEETINGS ACT TRAINING

Presented By:

Chase Andrizzi, City Attorney

March 30, 2022







ROADMAP

- The Open and Public Meetings Act ("OPMA") requires that public bodies receive annual training on the requirements of OPMA

- What will we be talking about today?
  - Purpose of OPMA
  - Definitions
  - General Rules
  - Notice Requirements
  - Agendas
  - Minutes and Recordings
  - Closed Meetings
  - Electronic Meetings
  - Unresolved Questions
  - Final Notes

PURPOSE OF OPMA

- The City Council and Planning Commission are “public bodies” under OPMA.
- Public bodies exist to **aid in the conduct of the people’s business**.
- Actions and deliberations of public bodies should be taken and conducted **openly**.

DEFINITIONS

- **Electronic Meeting:** a public meeting convened or conducted by means of a conference using electronic communications.

- **Meeting**: the convening of a public body, with a quorum present, for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the public body or specific body has jurisdiction or advisory power.

- **Public Body**: an administrative, advisory, executive, or legislative body of the state or its political subdivisions that:
  - Is created by the Utah Constitution, statute, rule, ordinance, or resolution;
  - Consists of two or more persons;
  - Expends, disburses, or is supported in whole or in part by tax revenue; and
  - Is vested with the authority to make decisions regarding the public's business.

- **Quorum**: a simple majority of the membership of the public body.

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GENERAL RULE

- **EVERY MEETING IS OPEN TO THE PUBLIC,** unless closed in accordance with the following:
  - U.C.A. § 52-4-204
  - U.C.A. § 52-4-205
  - U.C.A. § 52-4-206

NOTICE REQUIREMENTS

- Every meeting must be preceded by at least 24 hours public notice.

- The notice must include:
  - The meeting's agenda
  - Date of the meeting
  - Time of the meeting
  - Place of the meeting

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NOTICE REQUIREMENTS - AGENDA

- The Agenda must be **specific enough** to **notice the public** as to the **topics to be considered** at the meeting.

- Except for Emergency Meetings, public bodies **MAY NOT raise and consider** topics not listed under a properly noticed agenda.

- ANOTHER EXCEPTION: Topics **raised by the public that do not appear on the agenda** may be discussed, but no final action may be taken at that meeting.

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MINUTES AND RECORDINGS

- Written minutes and recordings must be kept and retained for all open meetings.
- The recording must be a complete and **unedited** record of the open portion of the meeting.
- Because public meetings are “open,” anyone in attendance can make their own recording.
- However, the **approved minutes are the official record** of the action the public body takes, not the recording.

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CLOSED MEETINGS

- Closed meetings are not required. They are PERMITTED under OPMA.

- A closed meeting **may** only be held for:
  - Discussion of character, professional competence, or physical/mental health of an individual
  - Strategy session to discuss collective bargaining
  - Strategy session to discuss pending or reasonably imminent litigation
  - Discussion regarding deployment of security personnel, devices, or systems
  - Investigative proceedings regarding allegations of criminal misconduct
  - Certain procurement-related deliberations

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CLOSED MEETING (cont'd_

- A closed meeting **may** be held for

  - Strategy session to discuss the ***PURCHASE***, ***EXCHANGE***, or ***LEASE*** of real property if public discussion of the transaction would:
    - Disclose the appraisal or estimated value of the property under consideration
    - Prevent the public body from completing the transaction on the best possible terms
  - Strategy session to discuss the ***SALE*** of real property if:
    - Public discussion would disclose the appraisal or estimated value of the property under consideration or prevent the public body from completing the transaction on the best possible terms
    - The public body previously gave public notice that the property would be offered for sale; AND
    - **The terms of the sale are publicly disclosed before the public body approves the sale.**

CLOSED MEETINGS – GENERAL RULES

- There must be a quorum of the public body present.
- 2/3 of the members of the public body present vote to approve closing the meeting.
- Publicly announce and enter into the minutes:
  - Reason for the closed meeting
  - Location of the closed meeting
  - Roll call vote to enter closed meeting
- No approving ordinances, resolutions, rules, regulations, contracts, or appointments.

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CLOSED MEETING RECORDS

- Closed meetings ***must*** be recorded and there ***may*** be written minutes kept that disclose the content of the closed meeting.

- EXCEPTION: Closed meeting to discuss competence/character/health of an individual and the deployment of security personnel are not recorded.
  - However, the presiding member of the public body must sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss the competence/character/health of an individual or the deployment of security personnel

ELECTRONIC MEETINGS

- Electronic meetings are permitted public meetings so long as the public body has adopted a resolution, rules, or ordinance governing the use of such meetings.

- Proper public notice of the electronic meeting must be given
  - Posting at the anchor location
  - Describe how members and the public body may connect

- If there is an anchor location, there must be space for interested persons and public to attend.

- If there is no anchor location, must provide means by which the public may hear, or view and hear, the meeting.

ELECTRONIC MEETINGS (cont'd)

- Public bodies may hold electronic meetings without an anchor location IF the Chair:
  - Makes a written determination that conducting a meeting at the anchor location presents a substantial risk to health and safety of those who may be present.
  - States facts upon which the written determination is based
  - Includes in the meeting, and reads at the beginning of the meeting, the written determination
  - Includes in the public notice information on how a member of the public may view or make a comment at the meeting.

- This needs to be repeated every 30 days after the day on which the chair makes the determination.

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UNRESOLVED QUESTIONS OF LAW

- Use of personal cell phones (and other electronic devices) during public meetings.
- GRAMA vs. OPMA
- OPMA doesn't expressly prohibit the use of electronic devices by public bodies during public meetings. HOWEVER:
  - The purpose of OPMA is to conduct the people's business in the open.
  - Transparency is the goal and openness is the requirement.
  - Communication between members of public body while quorum is present
  - Communication between members of public body and public while quorum is present

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A FEW FINAL NOTES…..

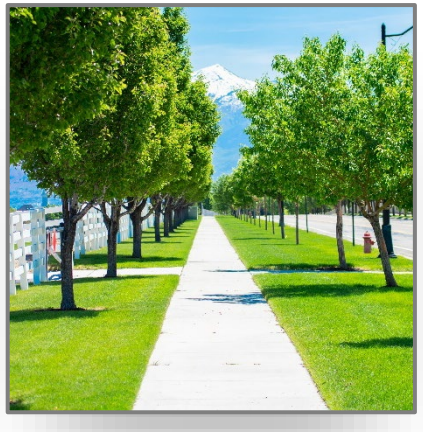
- Reasonable Accommodations
- Disruptive Behavior / Removing Disruptive Participants
- Voiding a public meeting
- Challenging a closed meeting

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Proposed Herriman Preserve Development

Joint City Council & Planning Commission Meeting

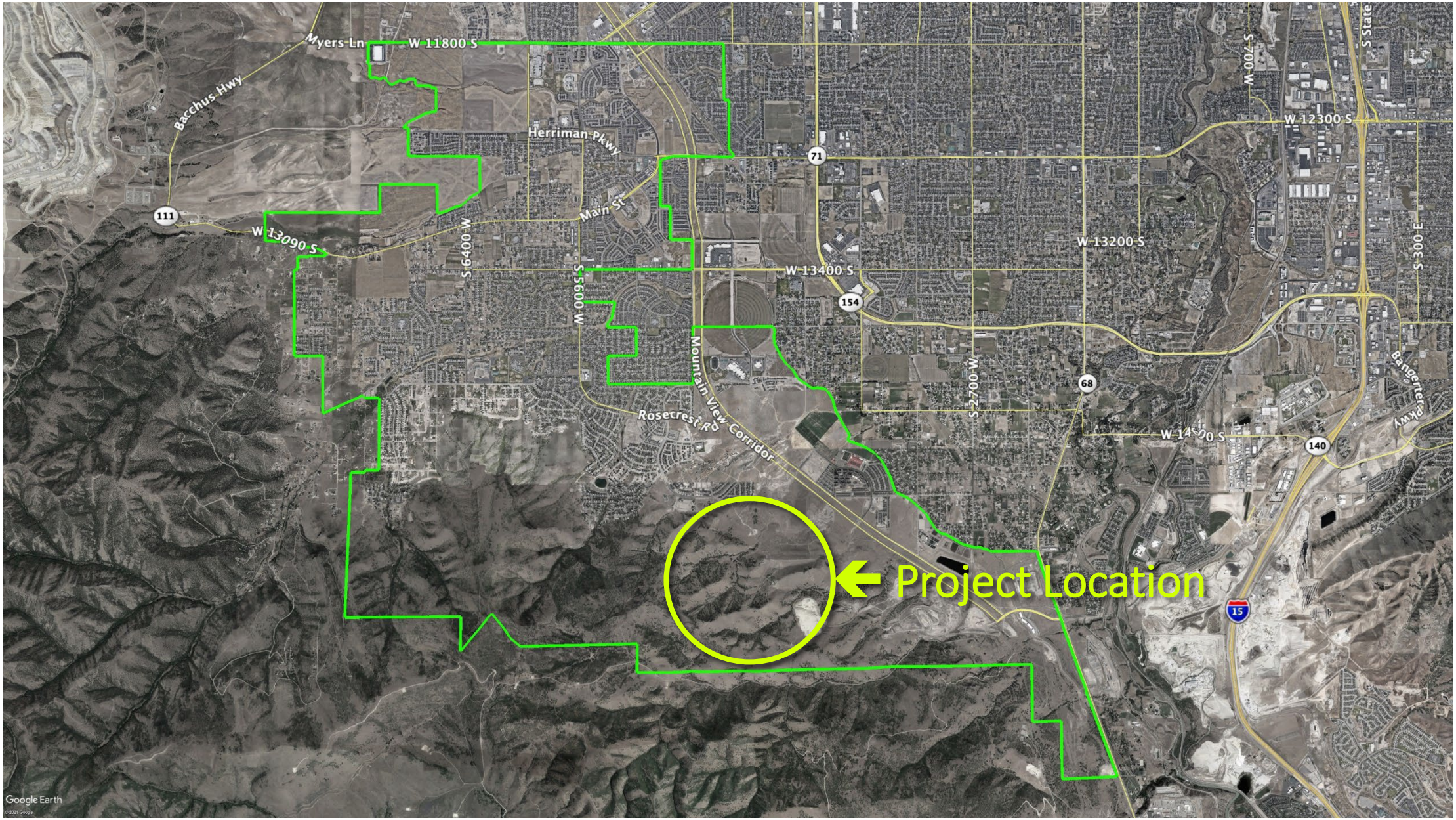
March 30, 2022





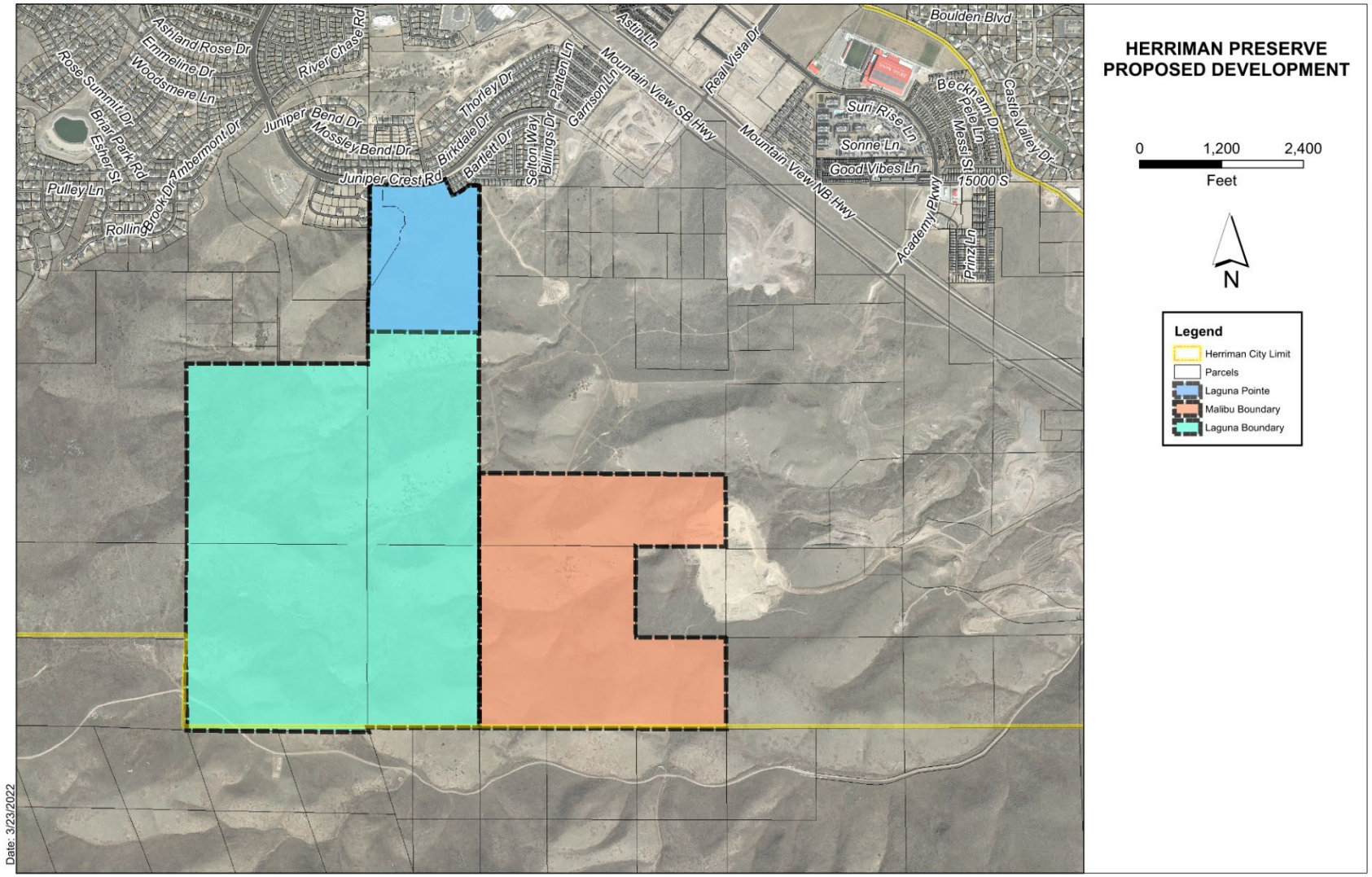


Vicinity Map



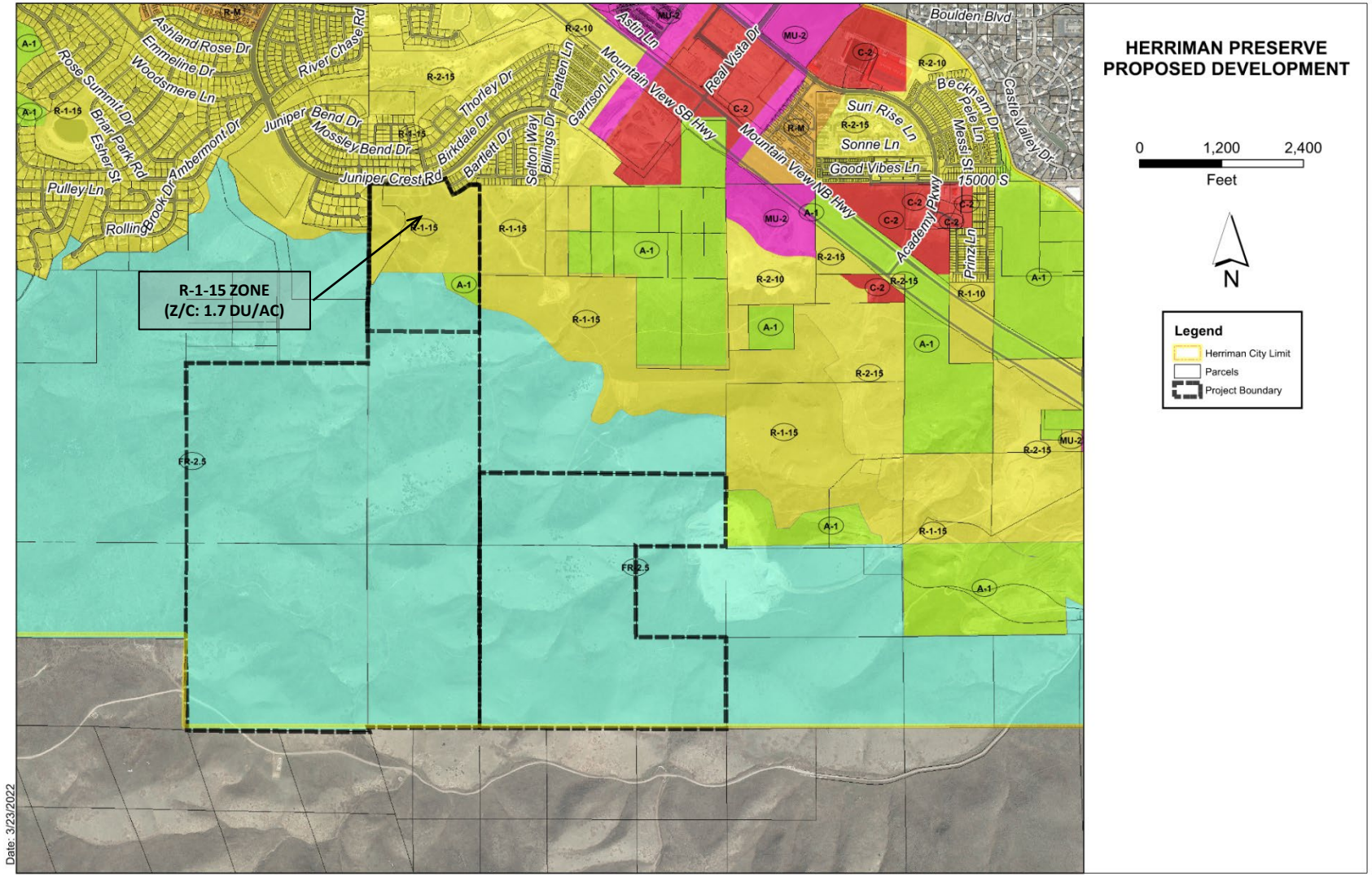
Project Background & Details

- 3 Properties
  - 970 Acres
- Existing Land Use
  - Zoning
  - General Plan
  - Hillside Overlay
- Proposed Land Use



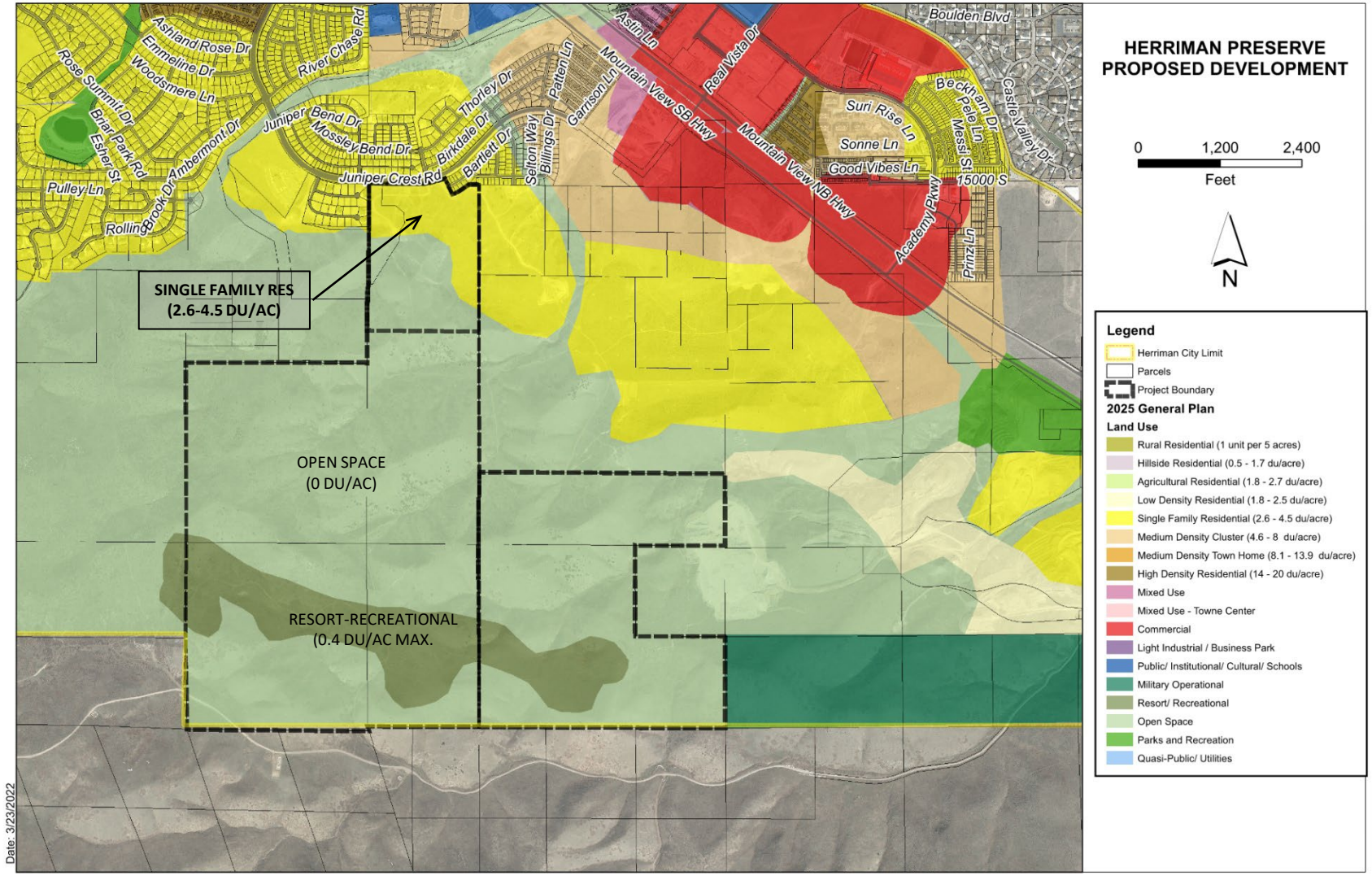
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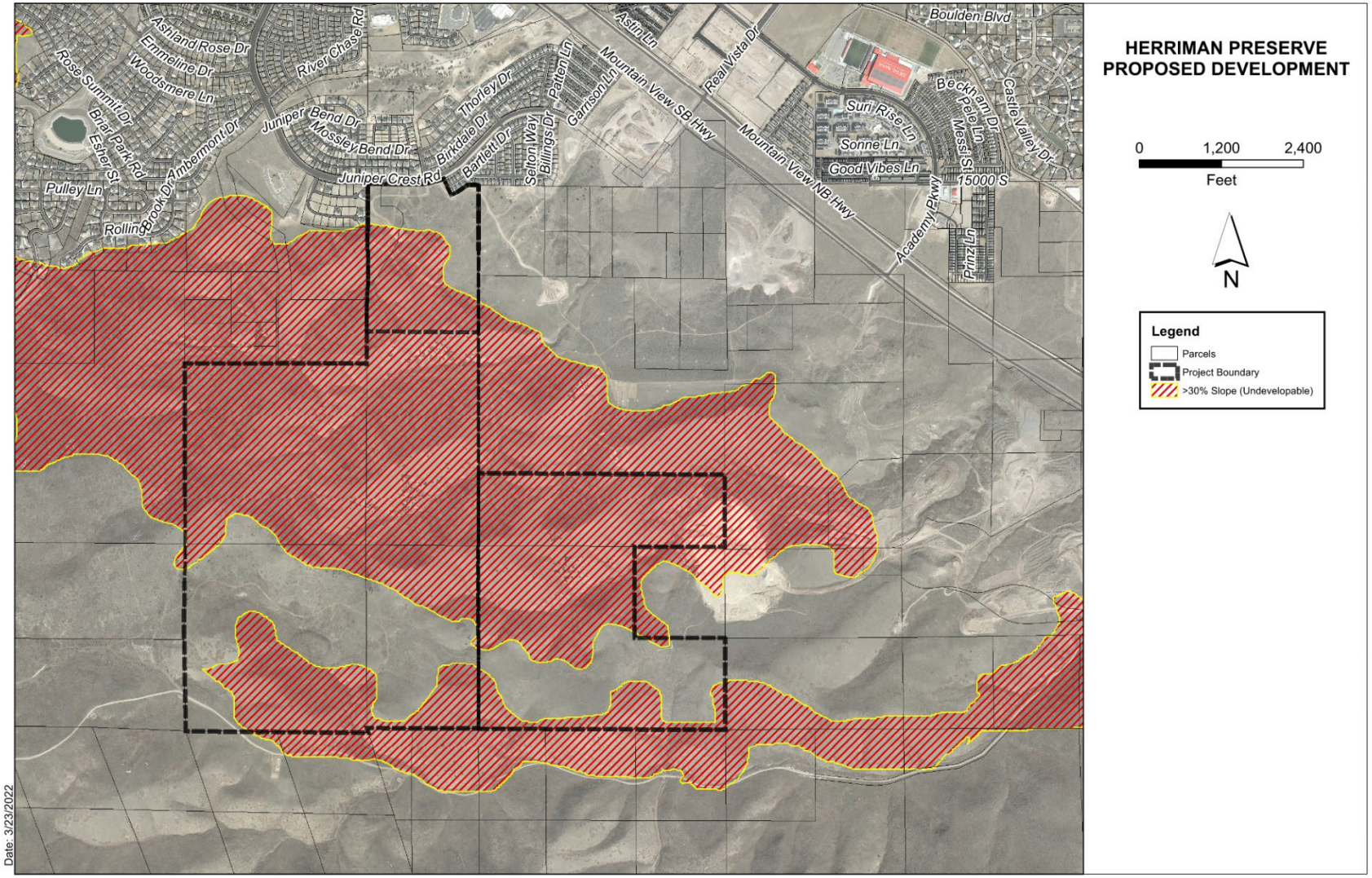
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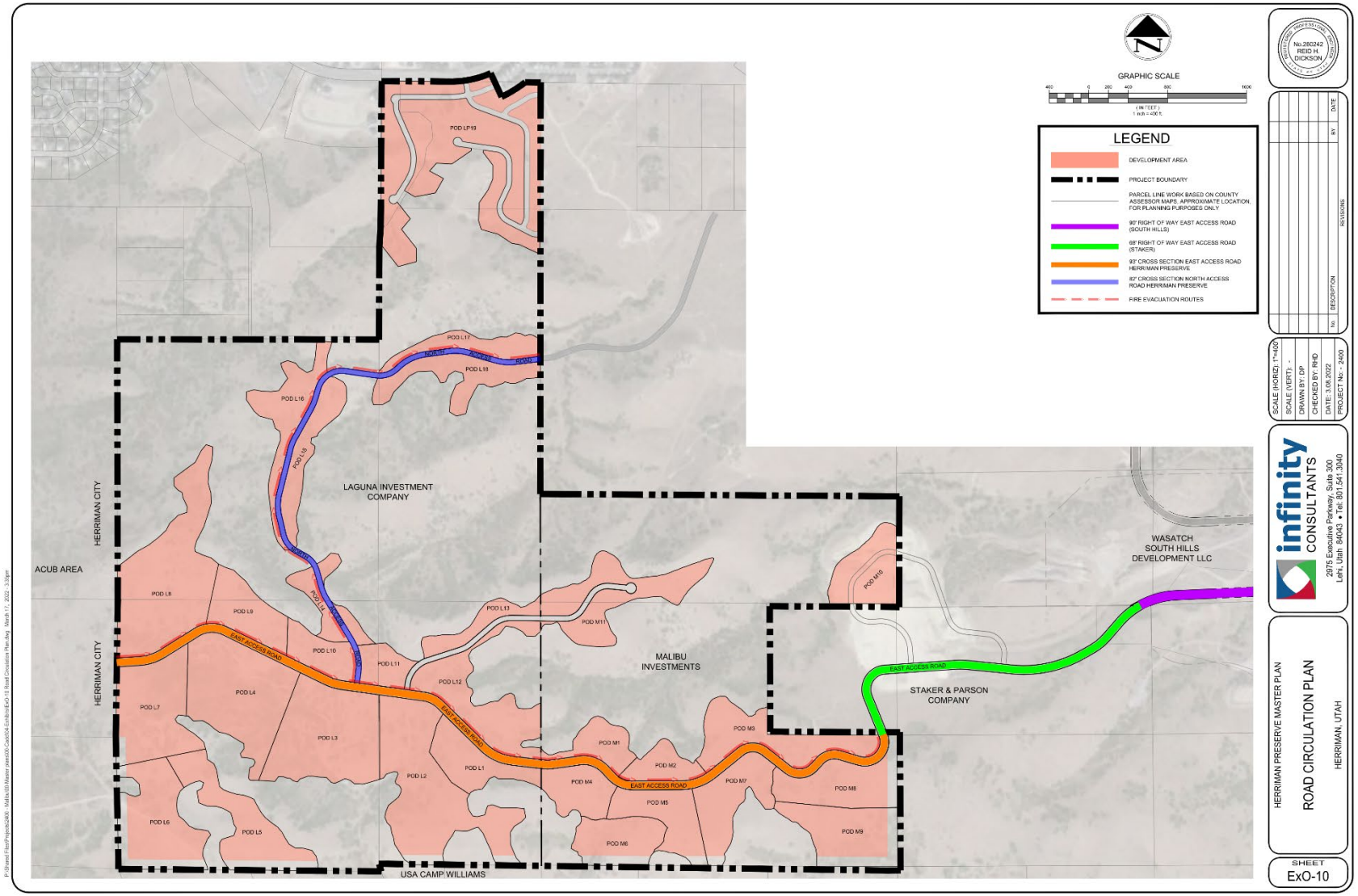
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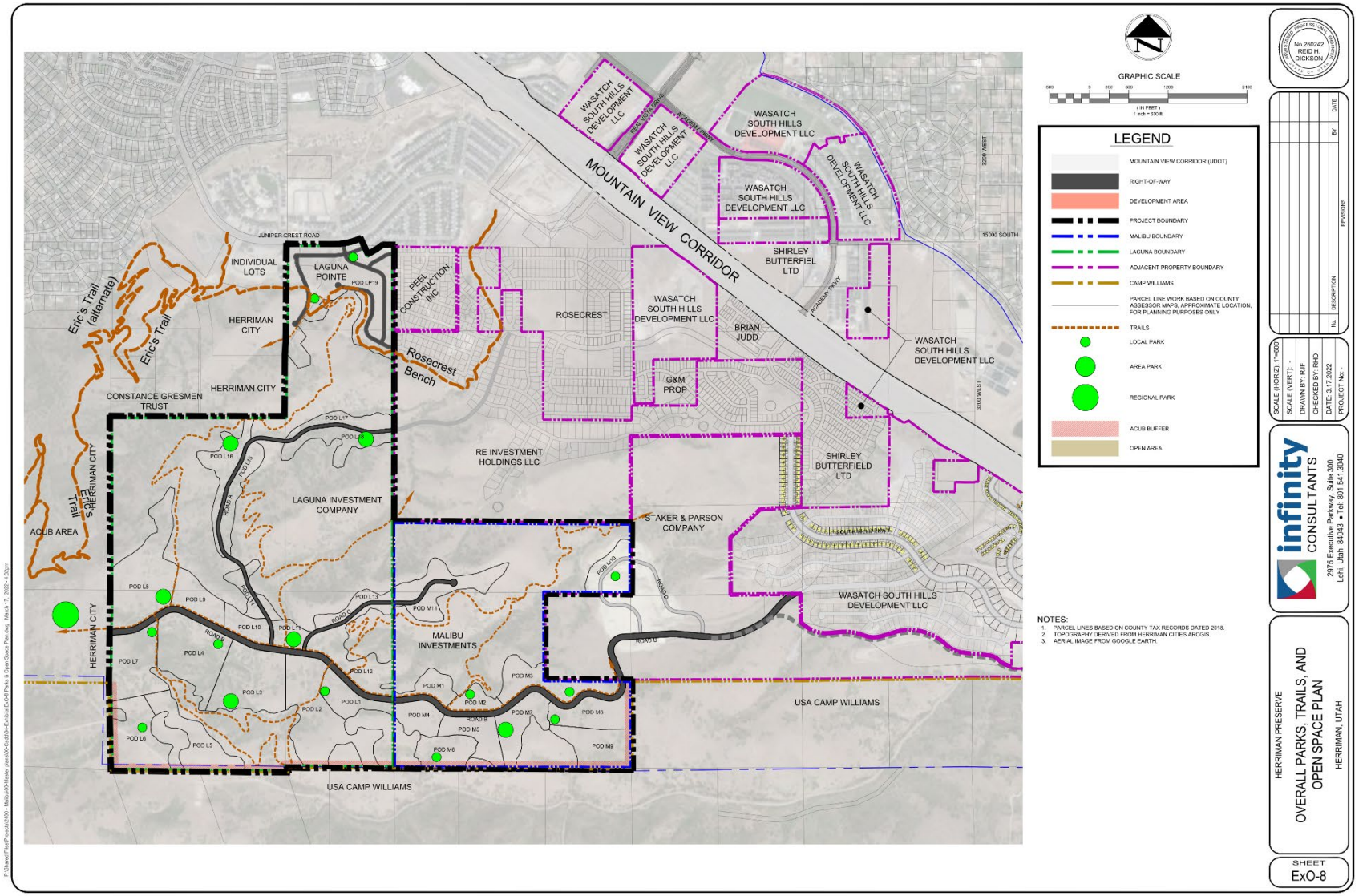


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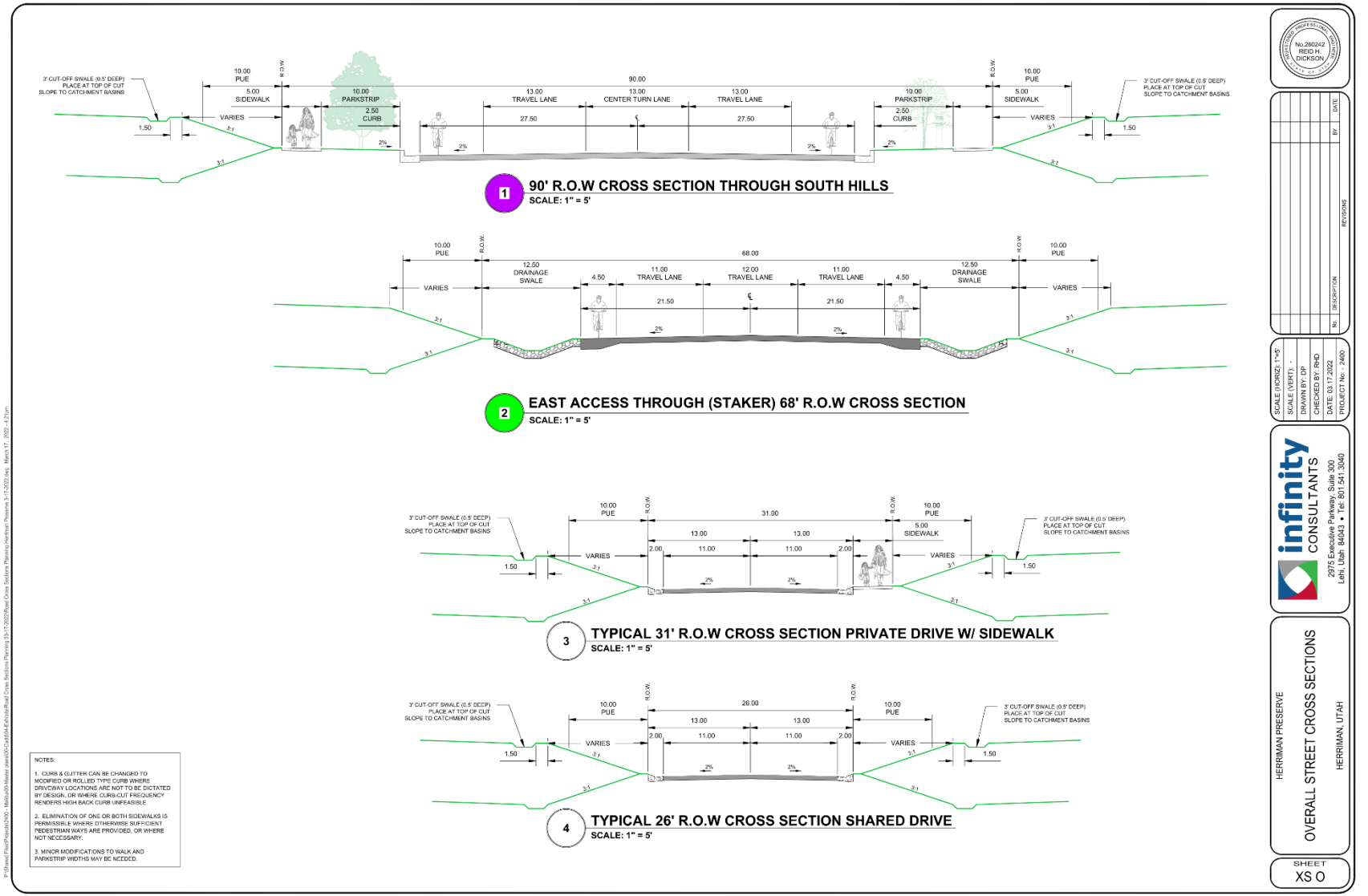
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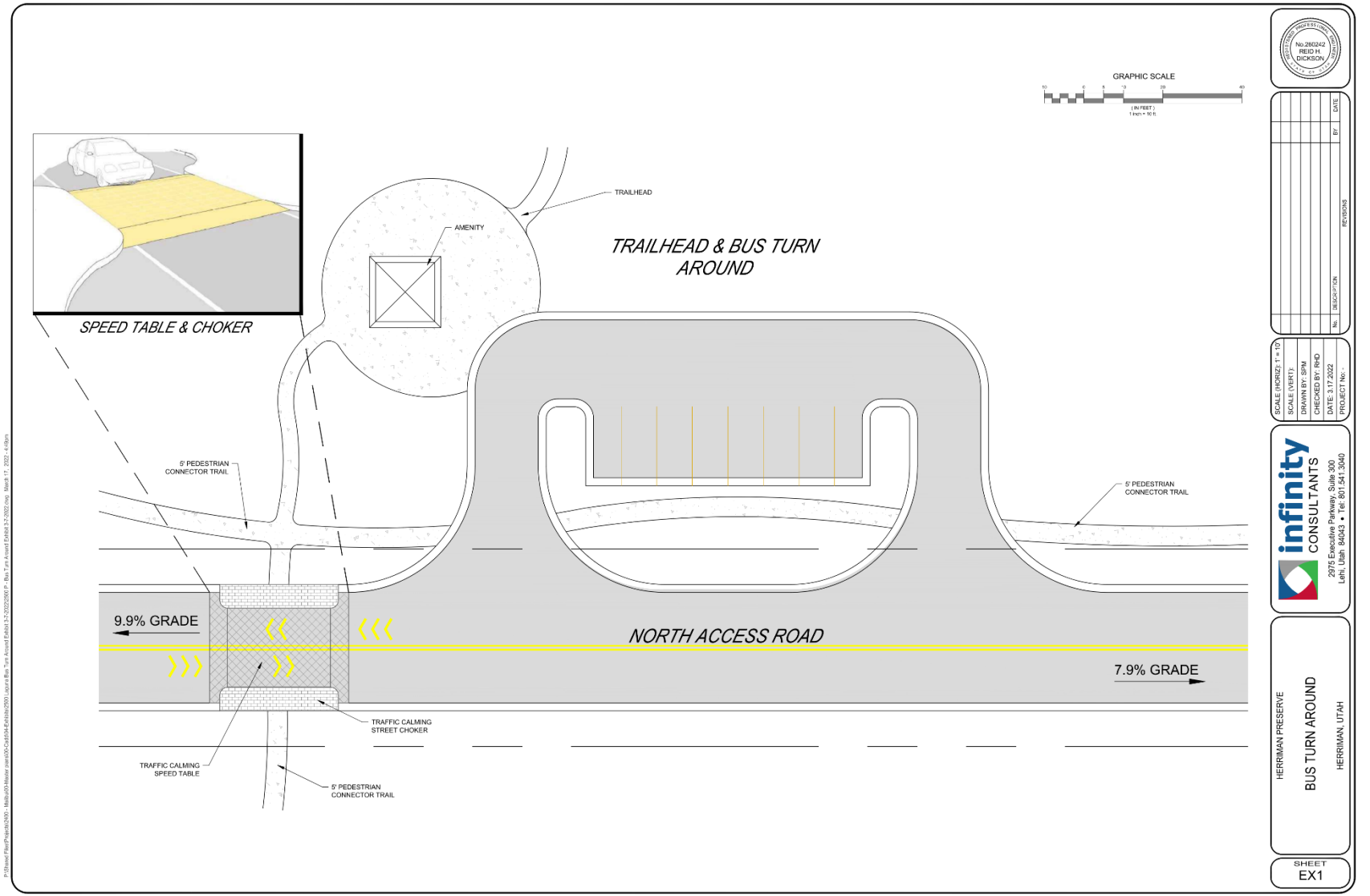
Herriman Preserve – Open Space Plan



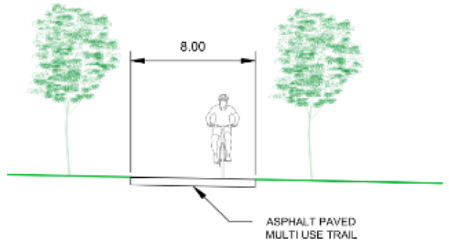
Herriman Preserve – Road Cross Sections



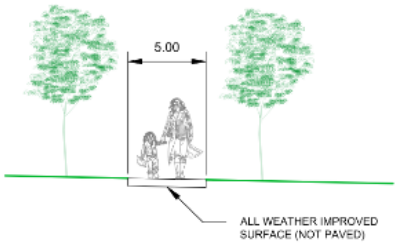
Herriman Preserve – Bus Stop Concept



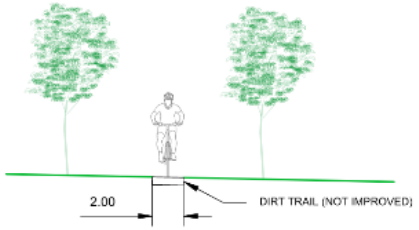
Herriman Preserve – Trail Cross Sections



1 **8' ASPHALT MULTI USE TRAIL CROSS-SECTION**
SCALE: 1" = 5'

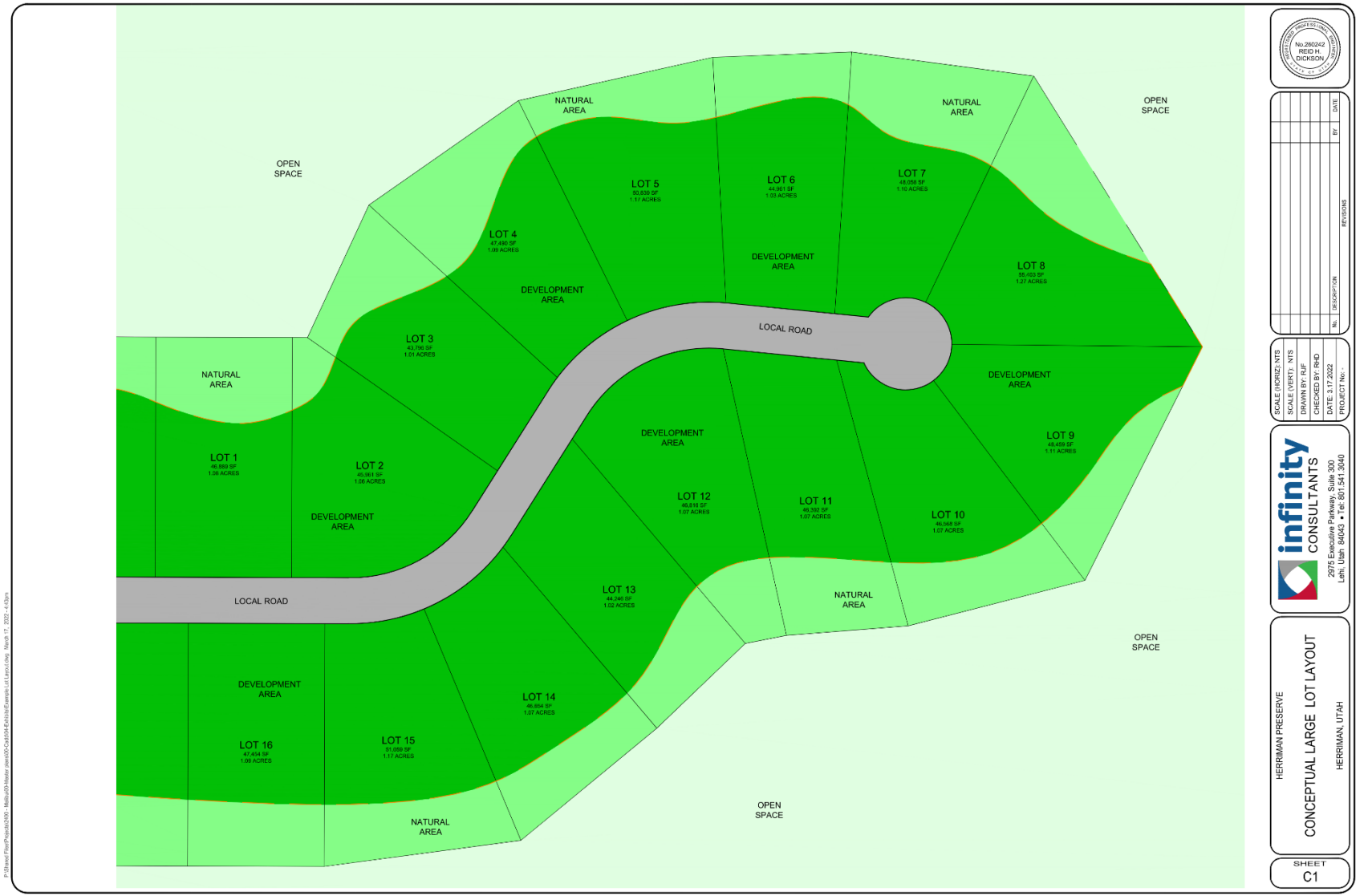


2 **5' WIDE PEDESTRIAN CONNECTOR TRAIL CROSS-SECTION**
SCALE: 1" = 5'



3 **2' WIDE SINGLE TRACK TRAIL CROSS-SECTION**
SCALE: 1" = 5'

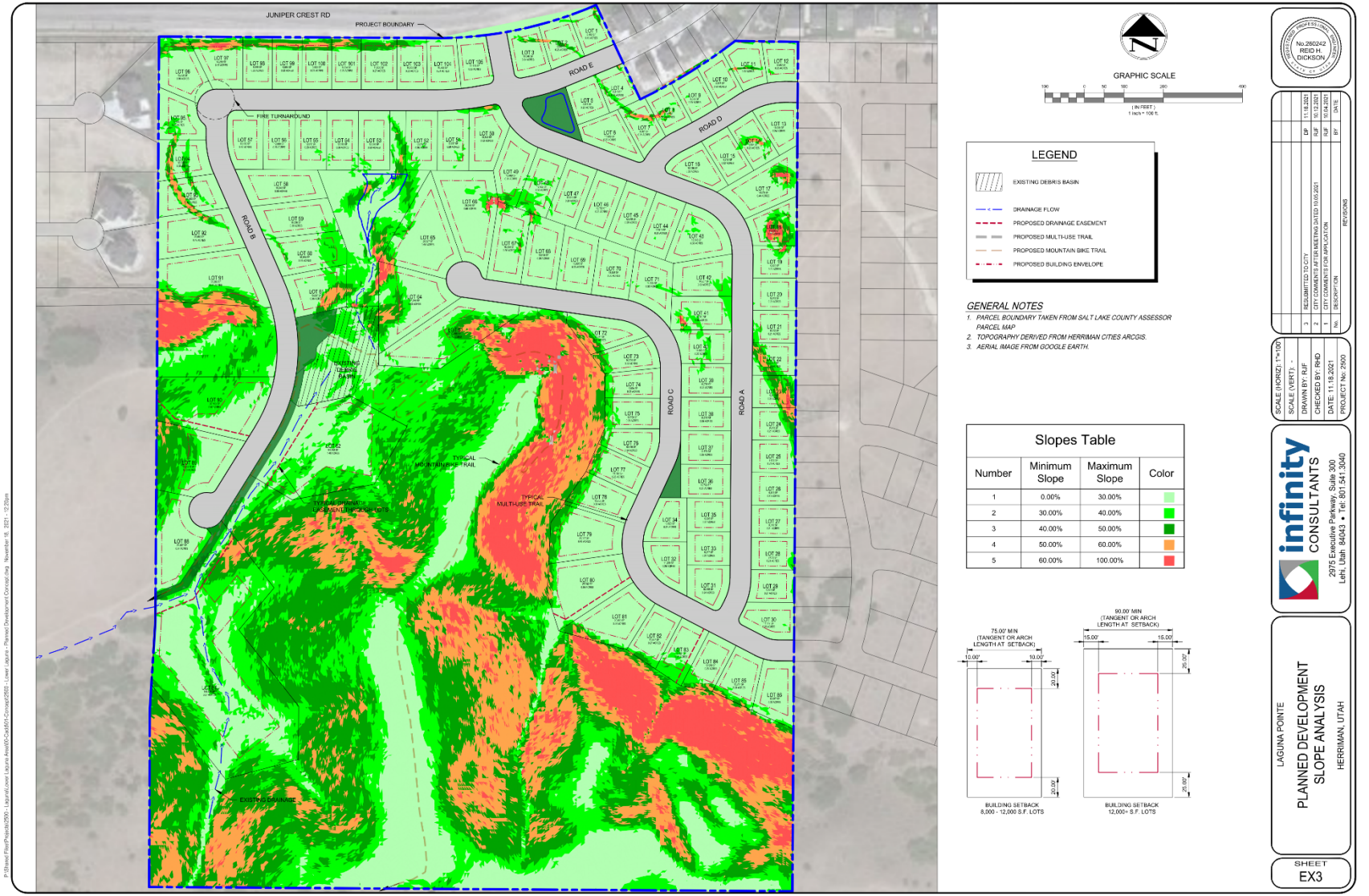
Herriman Preserve – Sample Lot Layout



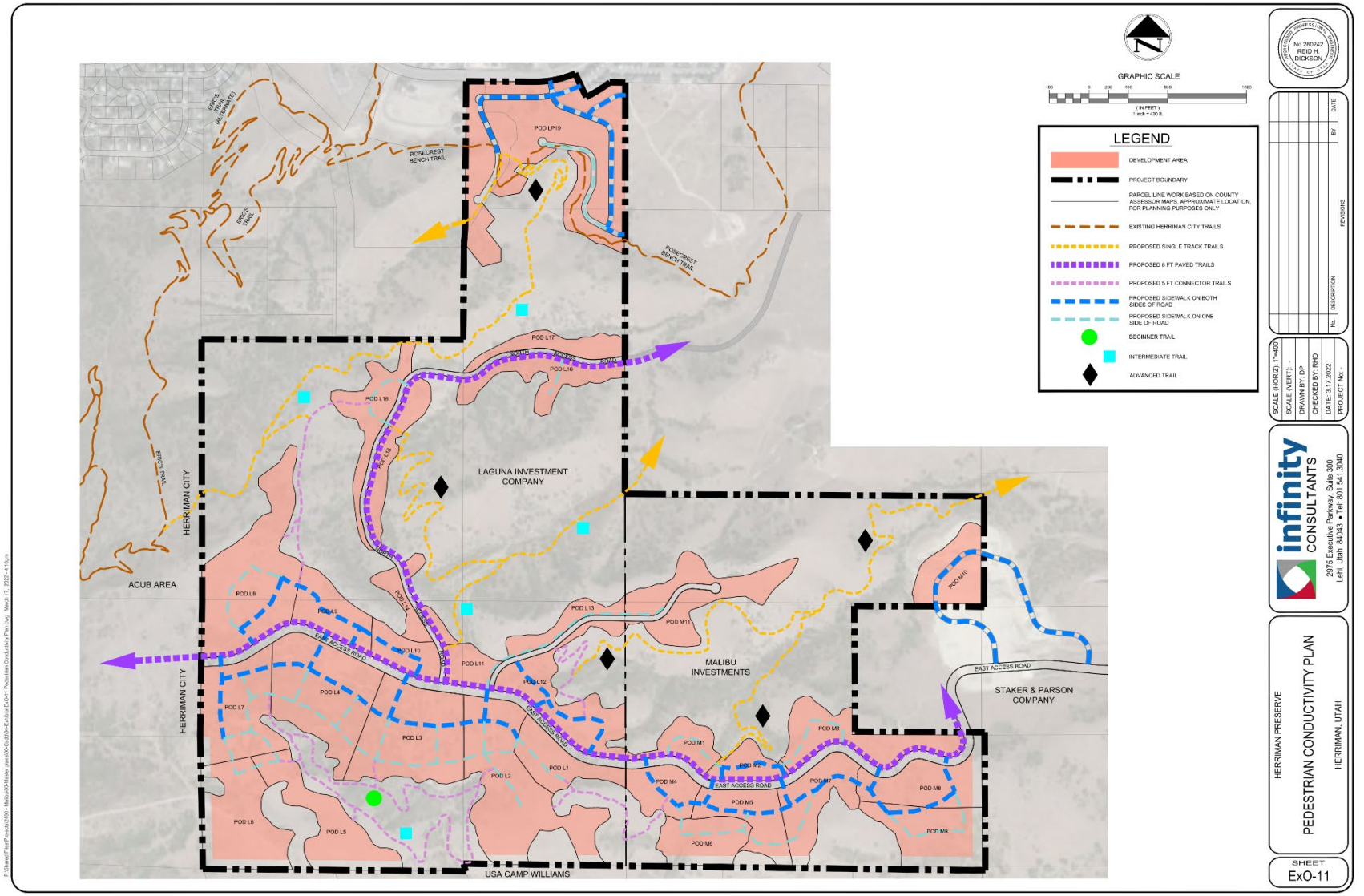
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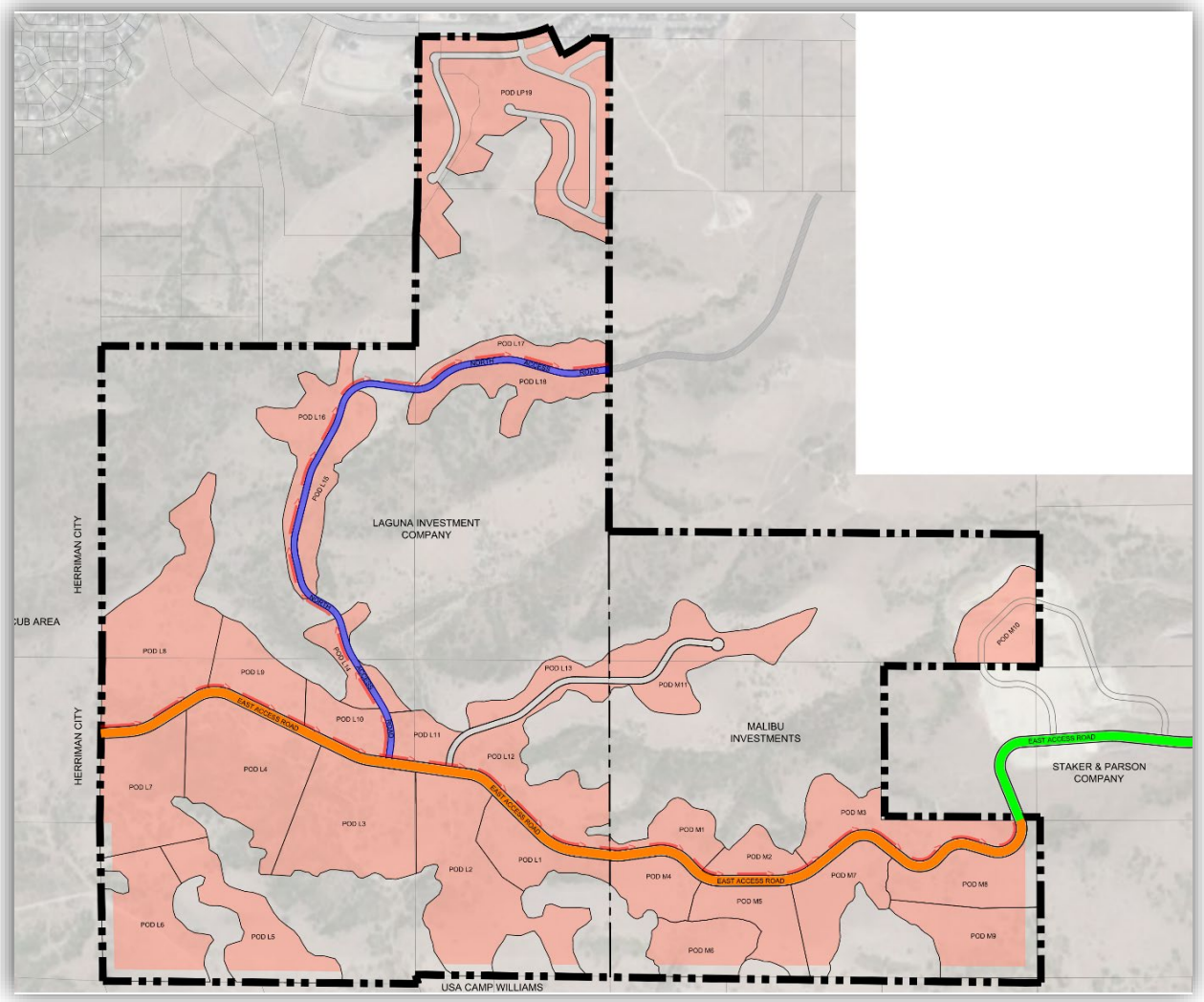


Herriman Preserve – Pedestrian Conductivity Plan



Herriman Preserve – Pedestrian Conductivity Plan

- Key discussion points
  - Design guidelines
    - Development review committee concept
    - How to minimize impacts to native landscape
    - Protect ridgeline views
  - City services
    - Emergency response times
    - Evacuation routes
    - Maintenance costs
  - Proximity to Camp Williams
    - Trespassing concerns
    - Noise complaints



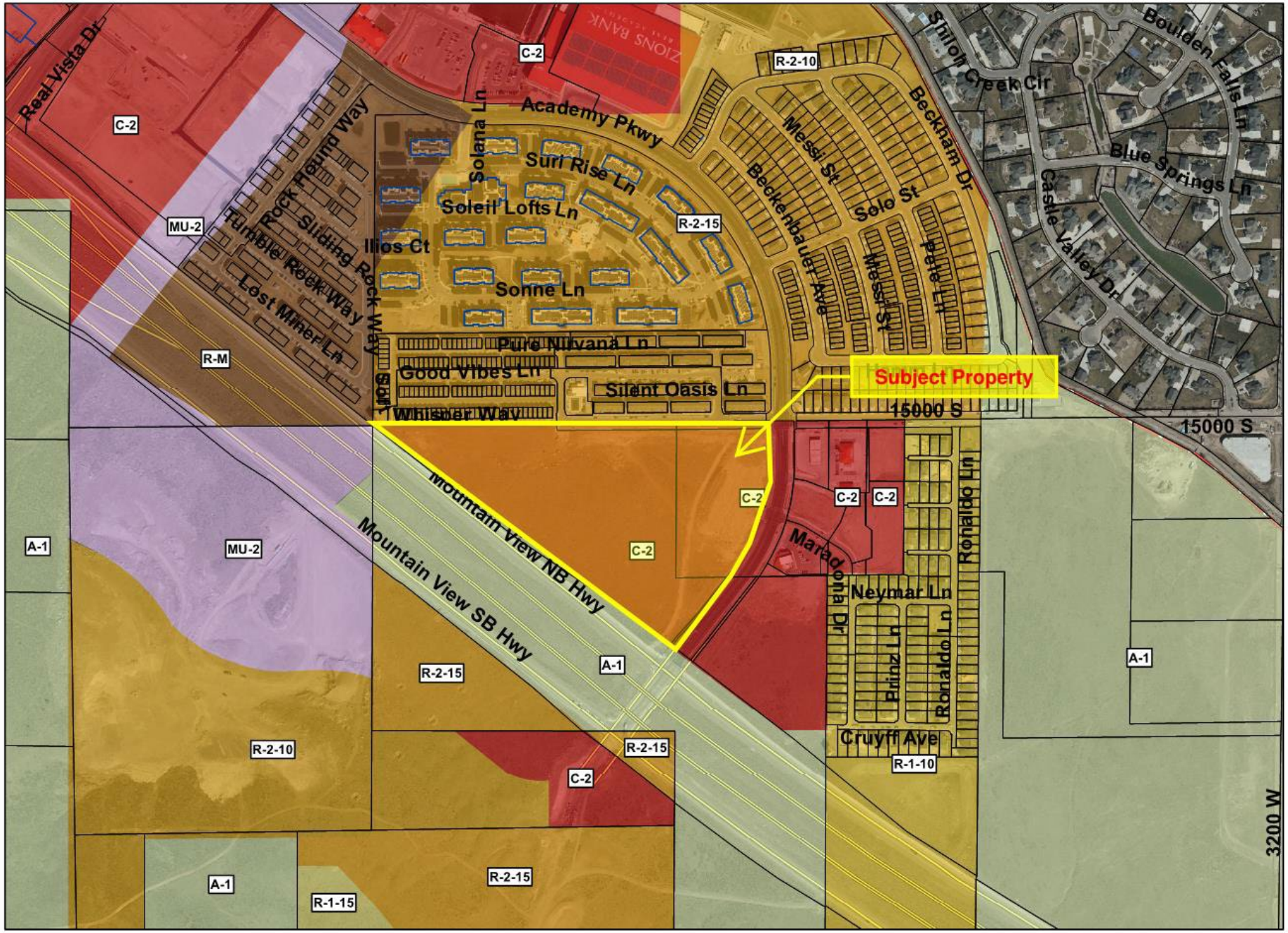
Development Concept Discussion

Joint City Council & Planning Commission Work Meeting

March 30, 2022

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Vicinity Map



Mountain View & Academy Development Proposal
15101 MTN VIEW CORID HWY

Conceptual Plans

MOUNTAIN VIEW & ACADEMY

HERRIMAN, UTAH



BRADY BOMAN - 801.949.3794 // KELLEN JONES - 435.590.6350

- 15101 S Mountain View Corridor
- 20.84 acres
- Possible uses:
  - Youth sports training complex
  - Medical office space
  - Flex industrial space
  - “Hobby caves” and storage
  - Creative flex space

Conceptual Plans

The following designs inspire project architects and capture the vision of what the Sports Complex and Medical Office Building may look like.















- Design One
  - 40,000 square foot sports complex, 5 basketball courts, and medical office suites
  - 3-5 retail pads
  - Commercial pickle ball & food experience (similar to Top Golf)
  - 16-30 2,000 square foot incubator spaces for entrepreneurs, artists, and storage

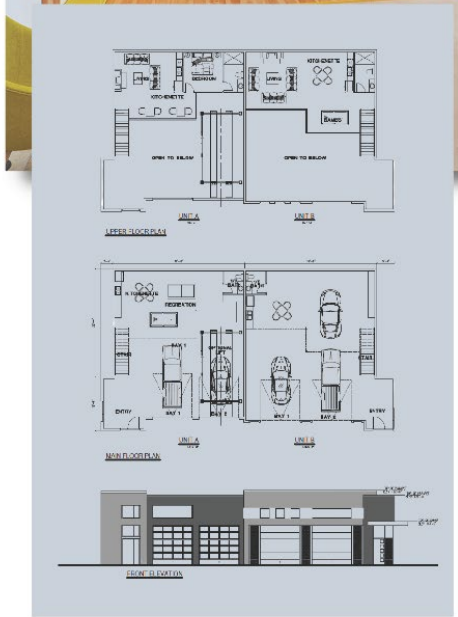
Conceptual Plans

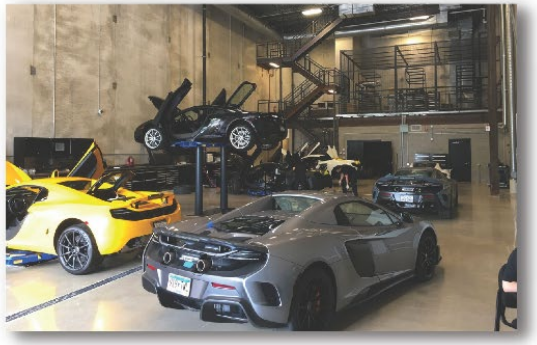










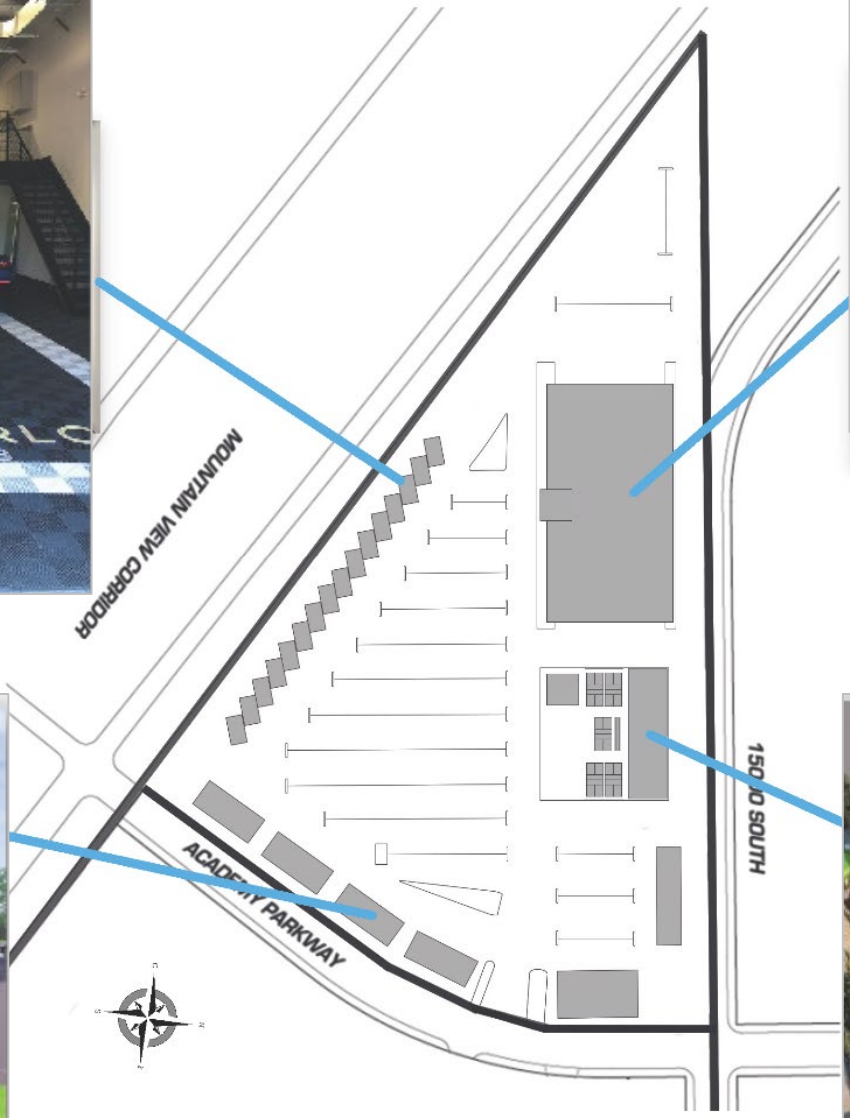


Design One Possible Site Layout



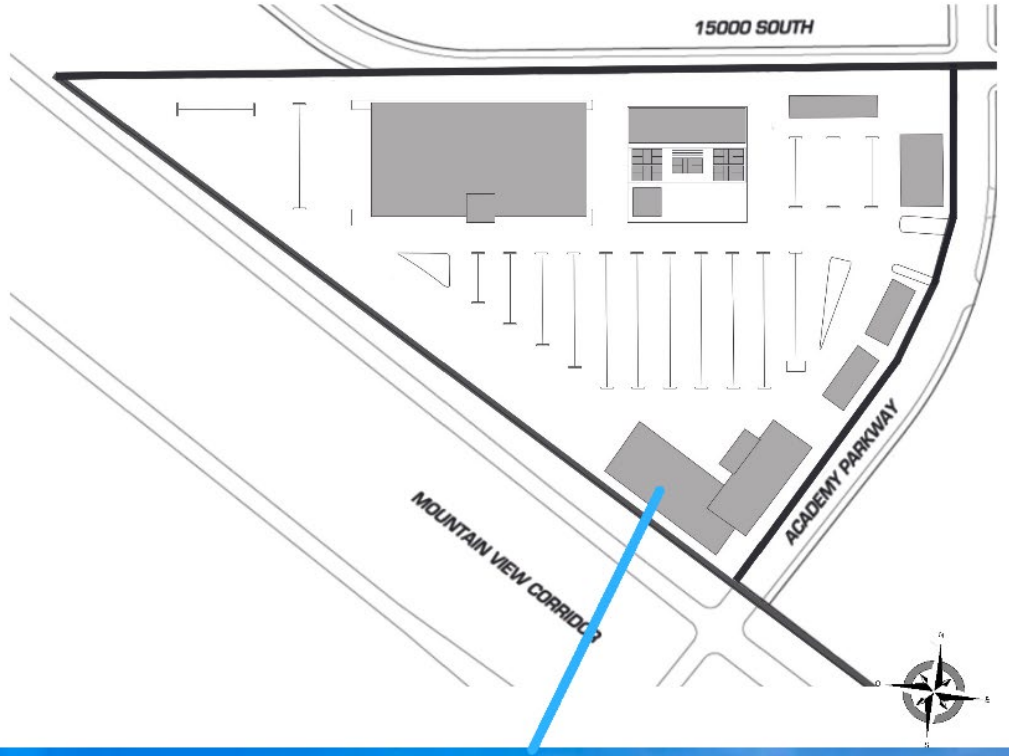








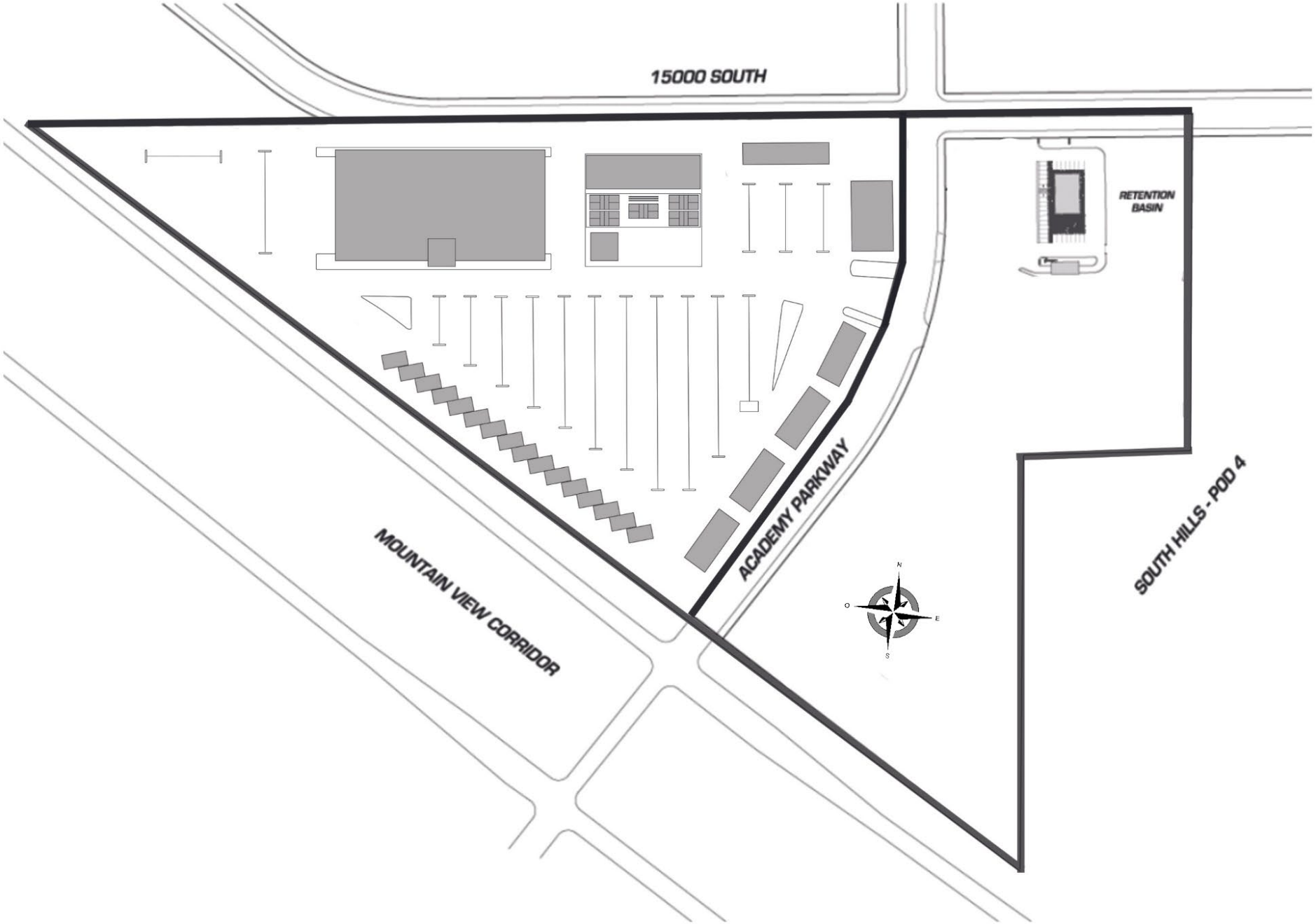
Conceptual Plans



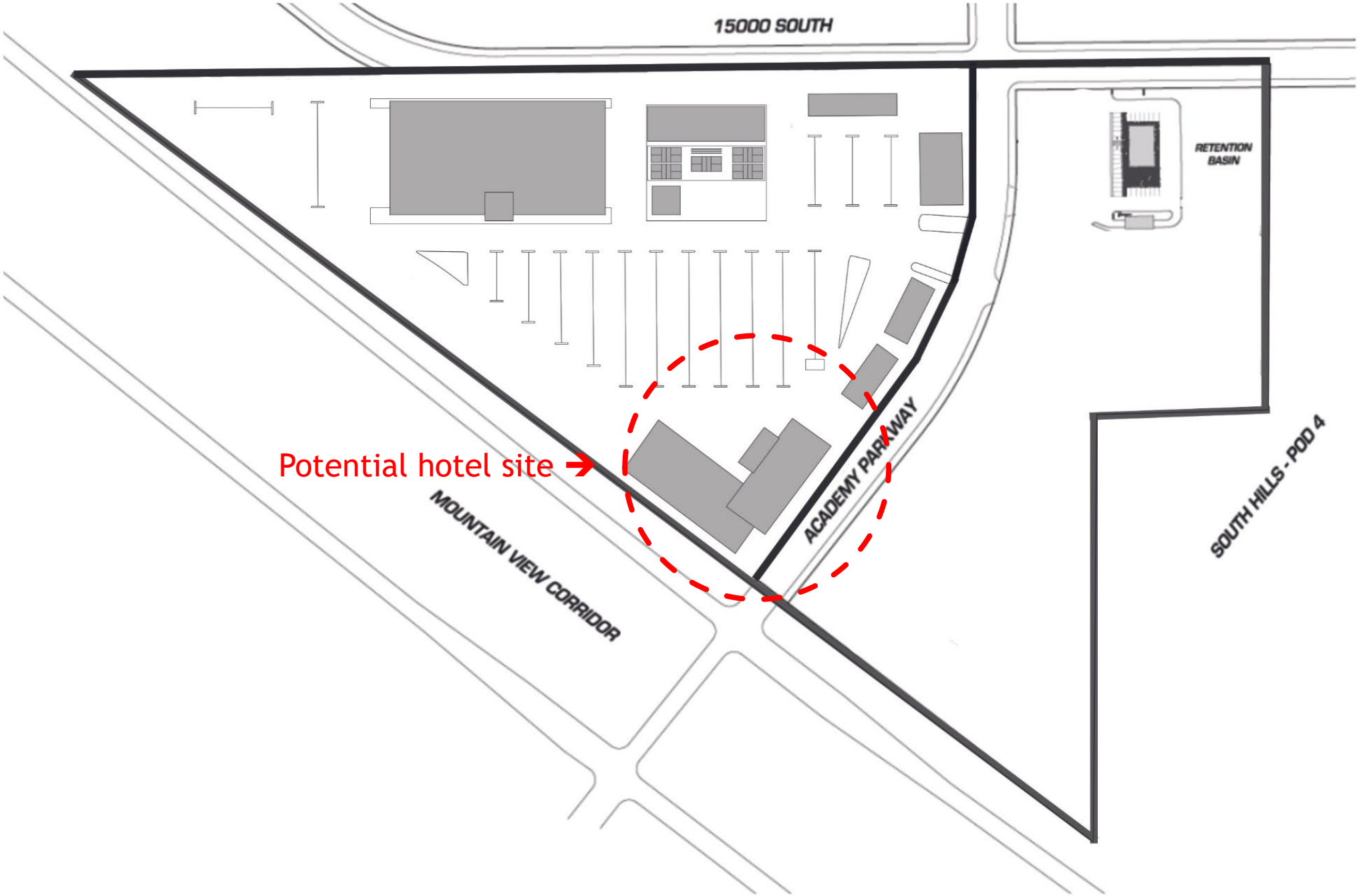


- Design Two
  - Elements of “Design One”
  - Plus hotel pad

Design Option 1



Design Option 2



Options

- **Legislative Options:**
  - Should the applicant pursue a Zoning Map amendment from **C-2 Commercial to M-1 Manufacturing**?
  - Or should the applicant pursue a Zoning Map amendment to add a **Planned Unit Development (PUD) Overlay**?
- **Development Options:**
  - Preferred elements:
    - "Design One"
    - "Design Two"
    - Combination from both options

Legislative Amendments

Joint City Council & Planning Commission Meeting

March 30, 2022

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Current Legislative Requests

- 14 privately initiated applications
- 10 City-initiated applications
- 3 new MDA requests:
  - Auto Mall (commercial and residential)
  - Herriman Preserve (commercial only)
  - Teton commercial (application pending)

Potential amendments



- Planned Unit Development for commercial and residential projects?
  - Reduce minimum acreage?
  - Reduce open space for commercial?
  - Other options?

Potential Amendments



- Commercial Development Standards
  - Reduce or eliminate brick or stone requirement?
  - Update site development standards?

Potential Amendments



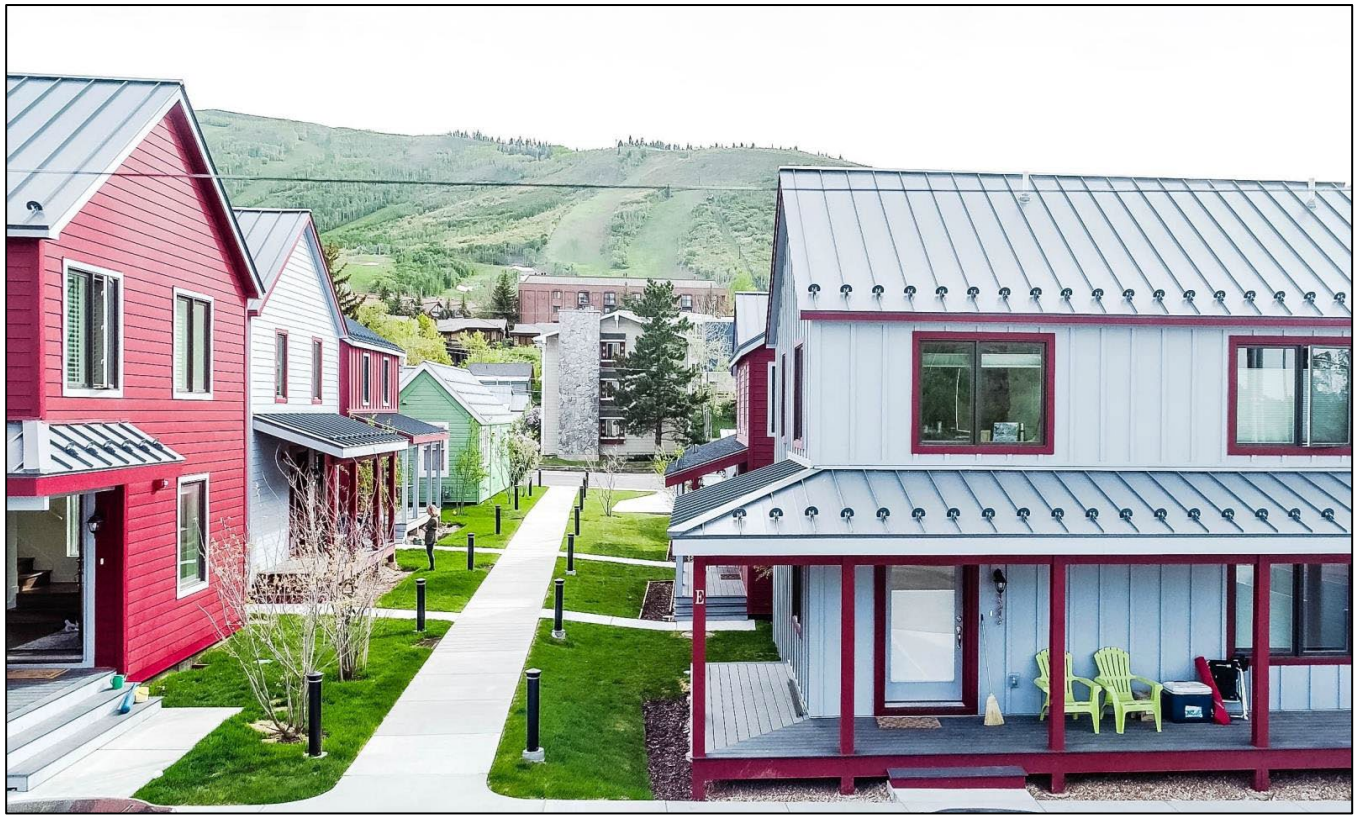
- Administrative updates
  - Code enforcement
  - Business licensing
  - Zoning interpretation

Potential Amendments



- Agricultural & residential zoning amendments
  - A-.25 density
  - Additional zoning tools

Potential Amendments



- Moderate Income Housing
  - New state requirements
  - New annual report process
  - Modify approach
  - Work force housing

Potential Amendments



- Grade changes:
  - Establish grade change maximums
  - New administrative review process
  - Require “stepped” retaining walls

Potential Amendments



- Other ideas
- Suggestions
- Concerns
- Recommendations