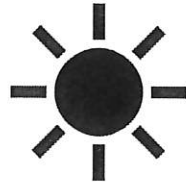


# Certificate of Training

of LaVerkin City's annual

## OPMA / GRAMA / Ethics Training

(October 3, 2022)



This is to certify that I, \_\_\_\_\_  
(*print name*), serving as a/the \_\_\_\_\_  
(*print position*) for LaVerkin City, attended LaVerkin City's  
2022 **Ethics / Open and Public Meetings Act (OPMA) /**  
**Government Records Management and Access Act**  
**(GRAMA)**, held in the LaVerkin City Council Chambers, 111  
South Main Street, LaVerkin, Utah, on October 3, 2022,  
presented by City Attorney Kevin R. Bennett.

\_\_\_\_\_  
Attendee's Signature

\_\_\_\_\_  
Date



# "Open and Public Meetings Act" (OPMA)



Training – October 3, 2022

## A. Two Overriding Concepts:

### 1. **Openness**

- a. Deliberations
- b. Actions

### 2. **Due process**

- a. Procedural DP (**PDP**) = Reasonable Notice + Adequate Opportunity to be Heard]
- b. Substantive DP (**SDP**) = Fairness = Reasonableness

## B. Constitutional Basis

1. Reasonable notice
2. Adequate opportunity to be heard
3. Fairness
4. Reasonableness

## C. Legislative Policies – OPMA ("**Openness**")

1. Conduct deliberations openly
2. Take actions openly

## D. Two Types of People

### 1. "**Letter of the Law**"

- Prepare to be "schooled" in the details!
- Law is not that onerous; but it needs to be followed.
- *See Chap. 4, Title 52, Utah Code Annotated (UCA)*

### 2. "**Spirit of the Law**"

- Teach them correct principles, and let them govern themselves.

## E. Need to understand:

1. Constitutional basis
2. Legislative policies behind the law

F. To Whom does OPMA apply?

1. City Council
2. Planning Commission
3. Land Use Authority (Board of Adjustment)
4. Commissions
5. Committees – particularly if officially established by ordinance or resolution

G. What constitutes a “**Public Body**”?

- Any 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.
- *But not a: (i) political party, political group, or political caucus; or (ii) conference committee, rules committee, or sifting committee of the Legislature.*

H. What constitutes a **convened** meeting? OPMA applies to meetings:

- Convened + by a public body = with a quorum present

I. What is a **Quorum**?

- A simple majority of the membership of a public body, unless otherwise defined by law (3 Council members, not including the Mayor; see Sec. 10-3-504, UCA)
- *But not a meeting of two elected officials by themselves when no action (formal or informal) is taken on a subject over which these elected officials have advisory power*

J. What is REQUIRED?

1. Certain minimal notices
2. Tape recording
3. Minutes
4. Special rules for electronic meetings

K. **CLOSED MEETINGS**

1. Meetings are generally PUBLIC!
2. Very limited circumstances where they may be closed to the public (only those reasons set forth in the statute).

3. Exceptions that may apply:
  - a. discussion:
    - (1) of the character, professional competence, or physical or mental health of an individual [NOT "personnel" matters]
    - (2) regarding deployment of security personnel, devices, or systems
  - b. strategy sessions to discuss:
    - (1) pending or reasonably imminent litigation
    - (2) the purchase, exchange, or lease of real property (including water rights/shares) if . . .
  - c. the sale of real property if . . .
  - d. investigative proceedings regarding allegations of criminal misconduct
4. When **MUST** a meeting be closed to the public?
  - **NEVER!**
  - But . . . there certainly are cases where wisdom may dictate that you do.
5. But if you do close it, you must . . .
  - a. Have a legally supportable reason/purpose (Sec. 52-4-205, UCA)
  - b. Stay within that reason/purpose
  - c. Follow requirements of Sec. 52-4-206, UCA, re –
    - (1) Recordings
    - (2) Minutes
    - (3) Any required sworn statements

L. Civil and Criminal Sanctions

1. Civil Sanctions
  - a. Suit to Void Final Action Taken
  - b. Suit to Compel Compliance with OPMA
2. Leading to possible:
  - a. Voiding of action
  - b. Court orders
  - c. Awards for attorney's fees and court costs
3. Criminal Sanctions
  - Class B Misdemeanor, if a public body knowingly or intentionally:
    - (1) Violates, or
    - (2) Abets or advises a violation of,any of the CLOSED MEETING provisions of OPMA

M. Best: **AVOID PROBLEMS!**

1. Err on the side of public openness ("**transparency**").
2. When in doubt, the meeting should be open.
3. Don't attempt to violate even the spirit of the Act.
4. Act so as to protect and facilitate the due process rights (notice and opportunity to be heard) and the OPMA public policies
  - a. Take actions openly
  - b. Conduct deliberations openly



training.auditor.utah.gov



## Open and Public Meetings Act Training 2022 - Utah

the **office** of the state auditor provides **utah** taxpayers and government officials with an independent assessment of financial operation, statutory compliance, and performance management for state and local government. specific activities of the **office** include performing financial audits, conducting federal funds compliance audits, providing local ...

<https://training.auditor.utah.gov/courses/open-and...>



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## LOCAL GOVERNMENT RESOURCE CENTER

A place where you can easily find solutions and ask questions

Welcome to the Local Government Resource Center. Here you'll find forms, manuals and guides; training resources; brief explanations, checklists, and templates, and the Compliance Dashboard, which displays your entity's delinquent/action required reports. Contact the Local Government team if you have concerns or suggestions for improvement.

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TRAINING  
(/S/TOPICTO1K0000019IX6WAA...

## Training

Jun 2, 2022 · Knowledge

### TITLE

Training

### CONTENT

#### Online Training Portal Website

Access the Office of the State Auditor Online Training Portal at [training.auditor.utah.gov](http://training.auditor.utah.gov/) (<http://training.auditor.utah.gov/>). This website contains required and suggested courses for various entity types. Create an account in order to access these courses for free. Certificates of completion are viewable and downloadable after 100% course completion. It is the user's responsibility to provide the certificate to management.

To download a certificate again after you have left the site, simply sign in. Then, on your Student Dashboard, select:

1. *Replay Course*
2. *Get Your Certificate*
3. *Download PDF*

#### 1. Replay Course

The screenshot shows a web browser window with the URL <http://training.auditor.utah.gov/courses/take/open-and-public-meetings-act-training-2022/text/1056462/welcome>. The page header includes navigation links: LOCAL GOVERNMENT RESOURCE CENTER, YOUTUBE CHANNEL, CONTACT US, and MY DASHBOARD. A user profile for CALVIN B is visible. The main content area is titled 'Your Student Dashboard, Calvin B' and 'My courses'. It features a search bar and a dropdown menu set to 'All'. Three course cards are displayed:

- Open and Public Meetings Act Training 2022**: Progress bar at 100%. Buttons: See Overview, Replay Course.
- Local District & Special Service District Board Member Training 2022**: Progress bar at 0%. Buttons: See Overview, Start Course.
- Introductory Training for Municipal Officials 2022**: Progress bar at 0%. Buttons: See Overview, Start Course.

The footer of the page contains a copyright notice: ©2022 training.auditor.utah.gov/learn/learn/open-and-public-meetings-act-training-2022/text/1056462/welcome. You are currently in Preview Mode. Click here to exit Preview Mode.

#### 2. Get Your Certificate

Open and Public Meetings Act 1 x +

training.auditor.utah.gov/courses/take/open-and-public-meetings-act-training-2022/text/30581667-welcome

You are previewing all course lessons

Go to Dashboard

Office of the State Auditor - Training Portal

## Open and Public Meetings Act Training 2022

100% complete

GET YOUR CERTIFICATE

Search by lesson title

- Introduction 2/2
- Welcome
  - TEST
- Disclaimer
  - SURVEY - 1 QUESTION
- Video and Evaluation 2/2
- Feedback 1/1

Welcome

Welcome to the Office of the State Auditor's online Open and Public Meetings Act training. This training will cover the basic requirements for local government entities as specified in Utah's Open and Public Meetings Act.

This training satisfies the annual Open and Public Meeting training requirement as long as the presiding officer of your governing body designates it as sufficient.

After 100% completion of the course, you will be able to access your certificate. We recommend that you email your certificate to your management/governing body chair and print your certificate for your records.

If you have any questions regarding this training please contact the Office at 801-536-1025 or [stateauditor@utah.gov](mailto:stateauditor@utah.gov).

MARK INCOMPLETE CONTINUE →

### 3. Download PDF

Open and Public Meetings Act 1 x Office of the State Auditor - Tra x +

training.auditor.utah.gov/certificates/grpmnfz43

LOCAL GOVERNMENT RESOURCE CENTER YOUTUBE CHANNEL CONTACT US MY DASHBOARD CALVIN B

This is to certify that

**Calvin Bergmann**

has successfully completed

**Open and Public Meetings Act Training 2022**

Utah Office of the State Auditor

Issued: 2022-05-17

Student: Calvin Bergmann School: Office of the State Auditor - Training Portal

Course: Open and Public Meetings Act Training 2022 Certificate ID: grpmnfz43 Issued: 2022-05-17

Expires: No expiry date

COPY LINK DOWNLOAD PDF

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The site supports the latest two versions of the following browsers for desktop:

- Chrome
- Firefox
- Safari
- Edge

The site supports the latest two versions of the following browsers for mobile:

- Chrome
- iOS Safari (11 and up)
- Samsung Internet



- Who provides it: Anyone the presiding officer deems appropriate
- Who tracks it: Presiding officer, in conjunction with records officer
- Who enforces it: Office of the Attorney General and County Attorney
- Statute: [Utah Code 52-4-104](#)

## Open and Public Meetings Act Training 2022

Required Annual Training for All Public Governing Body Members

Enroll for free



### Office of the State Auditor

The Office of the State Auditor provides Utah taxpayers and government officials with an independent assessment of operation, statutory compliance, and performance management for state and local government. Specific activities include performing financial audits, conducting Federal funds compliance audits, providing local government conducting agency and program performance audits, performing fraud and compliance audits, and operating the Hotline for citizens to report suspected financial issues or improprieties. These capabilities strengthen Utah State and help taxpayers have confidence in the integrity of Utah's government agencies. The State Auditor is a Constituent of the State of Utah, elected directly by the state's citizens every four years. The role of the State Auditor is authorized by Section 15 of the Utah Constitution. For more information, see [auditor.utah.gov](http://auditor.utah.gov).

### Course Description

- Who must complete it: All public governing body members
- Time frame for completion: Yearly

Feedback Survey

### Course curriculum

#### 1 Introduction

Welcome

Disclaimer

#### 2 Video and Evaluation

Introduction to the Open and Public Meetings Act

OPMA Evaluation

#### 3 Feedback

Welcome

Welcome to the Office of the State Auditor's online Open and Public Meetings Act training. This training will cover the basic requirements for local government entities as specified in Utah's Open and Public Meetings Act.

This training satisfies the annual Open and Public Meeting training requirement as long as the presiding officer of your governing body designates it as sufficient.

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If you have any questions regarding this training please contact the Office at 801-538-1025 or [stateauditor@utah.gov](mailto:stateauditor@utah.gov).

Utah Code

**Effective 5/8/2018  
52-4-104 Training.**

- (1) The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.
- (2) The presiding officer shall ensure that any training described in Subsection (1) complies with Title 63G, Chapter 22, State Training and Certification Requirements.

Amended by Chapter 200, 2018 General Session

## CERTIFICATE OF COMPLETION

This is to certify that  
**Kevin Bennett**

has successfully completed  
**Open and Public Meetings Act Training 2022**

Utah Office of the State Auditor



Revised: 3/22/2019 26

Certificate ID: 00000000

## CHECKLIST – CONDUCTING AN OPEN MEETING

1. Determine if the entity holding a meeting is a "public body" which consists of:
  - a. Two or more persons, who:
  - i. Are part of a body created by rule, ordinance, or resolution; and
  - ii. Expend, disburse, or is supported in whole or in part by tax revenue; and
  - iii. Are vested with the authority to make decisions regarding the public's business.
2. Determine if the entity is holding a "public meeting". A public meeting is:
  - a. In the presence of a quorum or majority of the members of a public body who meet
  - b. for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which they have jurisdiction.
  - c. A public meeting is not a chance meeting or a social gathering.
3. Prepare an agenda with reasonable specificity of the topics to be considered. List each topic as a separate agenda item.
4. Place a public notice of the meeting 24 hours in advance, including the date, time, place, and agenda of the meeting.
  - a. At the principal office of the public body, or, if there is no principal office, at the building where the meeting is to be held; and
  - b. By providing notice to at least one newspaper of general circulation within the jurisdiction of the public body or a local media correspondent; and
  - c. For public bodies associated with a municipality with an annual budget of more than \$1 Million, on the Utah Public Notice Website.
5. Make an audio or video recording of the meeting from beginning to end.
6. The presiding officer should make a statement at the beginning of the meeting identifying the date, time, and place of the meeting for the tape.
7. Allow any member of the public to also make an audio or video recording of the meeting, so long as the recording does not interfere with the conduct of the meeting.
8. Do not discuss any item not on the agenda unless the item is:
  - a. Raised up by a member of the public, and
  - b. Allowed by the presiding officer of the public body.
9. Do not take action on any item not on the agenda.
10. Prepare written minutes of the meeting that include:
  - a. The date, time, and place of the meeting;
  - b. The names of the members present and absent;
  - c. The substance of all matters proposed, discussed, or decided, which may include a summary of comments made by members of the public body;
  - d. A record, by individual member, of each vote taken;
  - e. The name of each person recognized by the presiding member of the public body to provide testimony or comments;
  - f. The substance, in brief, of the testimony or comments provided by the public; and
  - g. Any other information that any member requests be entered in the minutes or recording.
11. Make the recording and minutes of the meeting available to the public within a reasonable time after the meeting.
12. Preserve the tape recording as a permanent record in complete and unedited form.



**CHECKLIST – CONDUCTING AN ELECTRONIC MEETING**  
(IN ADDITION TO THE NORMAL PROCEDURES REQUIRED FOR PUBLIC MEETINGS)

1. Adopt a resolution, rule, or ordinance establishing procedures, limitations, and conditions governing electronic meetings.
2. Prepare an agenda with reasonable specificity of the topics to be considered, as one would for any public meeting. Indicate on the agenda that the public body may also conduct an electronic meeting.
3. Place a public notice of the meeting 24 hours in advance, including the date, time, place, and agenda of the meeting.
  - a. At the principal office of the public body, and at the location where the public body would normally meet if not holding an electronic meeting and at one or more anchor locations (these may all be the same location); and
  - b. By providing notice to at least one newspaper of general circulation within the jurisdiction of the public body or a local media correspondent; and
  - c. For public bodies associated with a municipality with an annual budget of more than \$1 Million, on the Utah Public Notice Website.
4. Notify the members of the public body 24 hours in advance that they may participate electronically and a description of how the members will be connected to the electronic meeting.
5. Provide space and facilities at the anchor location so that interested persons and the public may attend and monitor the open portions of the meeting.
6. Arrange for comments from the public, if accepted, for open portions of the meeting.
7. Follow the normal procedures for recordings, minutes, and other aspects of open and closed meetings.



**CHECKLIST – CONDUCTING A CLOSED MEETING**

1. Determine if the entity holding a meeting is a "public body" which consists of:
  - a. Two or more persons, who
  - i. Are part of a body created by rule, ordinance, or resolution; and
  - ii. Expend, disburse, or is supported in whole or in part by tax revenue;
  - and
  - iii. Are vested with the authority to make decisions regarding the public's business.
2. Determine if the entity is holding a "public meeting". A public meeting is:
  - a. In the presence of a quorum or majority of the members of a public body who meet for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which they have jurisdiction. (A public meeting is not a chance meeting or a social gathering.)
3. Prepare an agenda with reasonable specificity of the topics to be considered. List each topic as a separate agenda item. Indicate on the agenda that the public body may also conduct a closed meeting and generally state the topic of the closed meeting, but do not provide a statement that violates the confidential purpose of the closed meeting. The location of the closed meeting must be announced.
4. Place a public notice of the meeting 24 hours in advance, including the date, time, place, and agenda of the meeting.
  - a. At the principal office of the public body, or, if there is no principal office, at the building where the meeting is to be held; and
  - b. By providing notice to at least one newspaper of general circulation within the jurisdiction of the public body or a local media correspondent; and
  - c. For public bodies associated with a municipality with an annual budget of more than \$1 Million, on the Utah Public Notice Website.
5. Make an audio or video recording of the meeting from beginning to end.

- \_\_\_\_\_ 6. The presiding officer should make a statement at the beginning of the meeting identifying the date, time, and place of the meeting for the tape.
- \_\_\_\_\_ 7. Allow any member of the public to also make an audio or video recording of the meeting, so long as the recording does not interfere with the conduct of the meeting.
- \_\_\_\_\_ 8. During the open meeting, a member of the public body must make a motion to close the public meeting.
- \_\_\_\_\_ a. The motion should state the specific justification for the closed meeting by citing one of the purposes provided for in statute. A closed meeting is only justified to discuss:
- i. the character, professional competence, or physical or mental health of an individual;
  - ii. strategy sessions to discuss collective bargaining;
  - iii. strategy sessions to discuss pending or reasonably imminent litigation;
  - iv. strategy sessions to discuss the purchase, exchange, or lease of real property if public discussion of the transaction would:
- (A) disclose the appraisal or estimated value of the property under consideration; or
  - (B) prevent the public body from completing the transaction on the best possible terms;
- v. strategy sessions to discuss the sale of real property if public discussion of the transaction would:
- (A) disclose the appraisal or estimated value of the property under consideration; or
  - (B) prevent the public body from completing the transaction on the best possible terms
- vi. discussion regarding deployment of security personnel, devices, or systems;
- vii. investigative proceedings regarding allegations of criminal misconduct; and
- viii. discussion by a county legislative body of commercial information as defined in Section 59-1-404.
- \_\_\_\_\_ b. The presiding officer must then ask for a vote to approve the holding of a closed meeting.
- \_\_\_\_\_ c. Two-thirds of the public body must vote to approve closing the meeting or it cannot be closed.

- \_\_\_\_\_ d. The vote of each person for or against holding the closed meeting is to be noted in the minutes of the open meeting.
- \_\_\_\_\_ 9. Make an unedited audio or video recording of the entire meeting, from beginning to end.
- \_\_\_\_\_ a. The date, time, and place of the meeting;
  - \_\_\_\_\_ b. The names of members present and absent; and
  - \_\_\_\_\_ c. The names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closed meeting.
- \_\_\_\_\_ d. Written minutes of a closed meeting are optional.
- \_\_\_\_\_ 10. During the closed meeting
- \_\_\_\_\_ a. Only discuss matters that are allowed as topics of a closed meeting, and
  - \_\_\_\_\_ b. No official vote taking any action may be conducted in a closed meeting. No ordinance, resolution, rule, regulation, contract, or appointment can be officially approved in a closed meeting.
- \_\_\_\_\_ 11. At the end of the closed meeting, adjourn the public body, or go back into a public meeting and finish the public meeting in the normal manner. If an official action is to be taken, adjourn the closed meeting and reconvene in the public meeting before taking a motion and conducting a vote on the action.
- \_\_\_\_\_ 12. Prepare written minutes of the open portion of the meeting that include:
- \_\_\_\_\_ a. The date, time, and place of the meeting;
  - \_\_\_\_\_ b. The names of the members present and absent;
  - \_\_\_\_\_ c. The substance of all matters proposed, discussed, or decided in the public portion of the meeting, which may include a summary of comments made by members of the public body;
  - \_\_\_\_\_ d. A record, by individual member, of each vote taken;
  - \_\_\_\_\_ e. The name of each person recognized by the presiding member of the public body to provide testimony or comments;
  - \_\_\_\_\_ f. The substance, in brief, of the testimony or comments provided by the public; and
  - \_\_\_\_\_ g. Any other information that any member requests be entered in the minutes or recording.
- \_\_\_\_\_ 13. Make the recording and minutes of the open meeting available to the public within a reasonable time after the meeting.

\_\_\_\_\_ 14. Preserve the recording of the closed meeting, and minutes (if prepared) as a protected record under the GRA/MA statute. The recording and minutes (if prepared) are only to be disposed of in conformity with the approved records retention schedule adopted by the municipality and approved by the appropriate state authorities. The recording and minutes (if prepared) are available to the court if litigation is filed and access to the record of the closed meeting is requested.

NOTES:

**Closed Meeting – Purposes of a closed meeting:**

- 1) **Individuals.** Discussion of the character, professional competence, or physical or mental health of an individual. 52-4-205(1)(a) But only if the person presiding signs a sworn statement affirming that the sole purpose for closing the meeting was for this purpose. No recording need be made of a closed meeting held for this purpose: 52-4-206(6)
- 2) **Collective Bargaining.** Strategy sessions to discuss collective bargaining; 52-4-205(1)(b)
- 3) **Litigation.** Strategy sessions to discuss pending or reasonably imminent litigation; 52-4-205(1)(c)
- 4) **Purchase of Property.** Strategy sessions to discuss the purchase, exchange, or lease of real property, but only if public discussion would:
  - a) Disclose the appraisal or estimated value of the property under consideration; or
  - b) Prevent the public body from completing the transaction on the best possible terms; 52-4-205(1)(d)
- 5) **Sale of Property.** Strategy sessions to discuss the sale of real property if public discussion of the transaction would:
  - a) Disclose the appraisal or estimated value of the property under consideration; or
  - b) Prevent the public body from completing the transaction on the best possible terms; and
  - c) The public body previously gave public notice that the property would be offered for sale; and
  - d) The terms of the sale are publicly disclosed before the public body approves the sale; 52-4-205(1)(e)
- 6) **Security.** Discussion regarding deployment of security personnel, devices or systems; 52-4-205(1)(f), but only if the person presiding signs a sworn statement affirming that the sole purpose for closing the meeting was for this purpose. No recording need be made of a closed meeting held for this purpose; 52-4-206(6)
- 7) **Criminality.** Investigative proceedings regarding allegations of criminal misconduct; 52-4-205(1)(g)
- 8) **Quasi-Judicial Deliberations.** By decree of the courts, and not by statute, a public body acting in a quasi-judicial manner may deliberate behind closed doors. In the land use context, this would apply to an appeal authority, which acts in a quasi-judicial manner (10-9a-701(3)(a)(i)) which therefore may exclude the public from its deliberations much as a jury would when making a decision about the facts or law of a given matter. Other public bodies

acting in a judicial manner also qualify for this exception to the Open and Public Meetings Act. It is important to note, however, that the information gathering phase of a quasi-judicial process must take place in an open meeting. *Dairy Product Services v. Weilsville*, 2000 UT 81, P 60





## "Government Records Access and Management Act" (GRAMA)

*Utah's FOIA and Privacy Act – Utah's "Sunshine Laws"*

Training – October 3, 2022

- A. Recognition of:
1. Two **Constitutional Rights** – relating to the public
    - a. Right of **access**
    - b. Right of **privacy**
  2. **Public Policy Interest** in allowing a government to restrict access to certain records "for the public good"
- B. Legislative Intent
1. promoting **easy** and **reasonable access**
  2. specifying when **restrictions** on access **may outweigh** the public's interest in access
  3. **preventing abuse** of confidentiality by governmental entities
  4. providing for **equitable weighing**
  5. favoring **public access**
  6. establishing **fair** and **reasonable** management practices
- C. What is a "Record"?
- It is:
    - a book, letter, document, paper, map, plan, photograph, film, card, tape, recording, electronic data, or other documentary material regardless of physical form or characteristics:
      - that is **prepared, owned, received, or retained** by a governmental entity or political subdivision; and
      - where all of the information in the original is **reproducible** by photocopy or other mechanical or electronic means
  - It does not include:
    - a **personal note or personal communication** prepared or received by an employee or officer of a governmental entity:
      - in a capacity other than the employee's or officer's governmental capacity; or
      - that is unrelated to the conduct of the public's business
    - a **temporary draft** or similar material prepared for the originator's **personal use** or prepared by the originator for the personal use of an individual for whom the originator is working
    - material that is **legally owned by an individual** in the individual's private capacity
    - material to which **access is limited by the laws of copyright or patent unless** the copyright or patent is owned by a governmental entity or political subdivision
    - **proprietary software**
    - **junk mail or a commercial publication** received by a governmental entity or an official or employee of a governmental entity

- a **book** that is cataloged, indexed, or inventoried and contained in the **collections of a library open to the public**
- **material** that is cataloged, indexed, or inventoried and contained in **the collections of a library open to the public**, regardless of physical form or characteristics of the material
- a **daily calendar or other personal note** prepared by the originator for the originator's **personal use** or for the personal use of an individual for whom the originator is working
- a **computer program** that is developed or purchased by or for any governmental entity **for its own use**
- a **note or internal memorandum prepared as part of the deliberative process** by a member of the judiciary, an **administrative law judge**, a member of the Board of Pardons and Parole, or a member of any other body charged by law with **performing a quasi-judicial function**
- a **telephone number or similar code used to access a mobile communication device** that is used by an **employee or officer** of a governmental entity, *provided* that the employee or officer of the governmental entity has **designated at least one business telephone number that is a public record** as provided in Section 63G-2-301
- information provided by the Public Employees' Benefit and Insurance Program, created in Section 49-20-103, to a county . . .
- **information that an owner of unimproved property provides to a local entity** as provided in Section 11-42-205.

D. **Access to Records**

1. Most records are **Public**. *[That's the presumption.]*
2. With certain limitations provided by law, every person has the right:
  - a. To inspect a public record free of charge
  - b. To take a copy of a public record during normal working hours
3. But what records are NOT PUBLIC?
  - a. Those designated in GRAMA as **Private, Controlled, or Protected**
  - b. Those where access is **restricted** by court rule, another state statute, federal statute or regulation or records for which access is governed/restricted as a condition of participation in a state and/or federal program or for receiving state and/or federal money.

E. **Disclosure** of record proper when:

1. Record is public; or
2. Non-public, if:
  - a. Consensual and no one harmed thereby
  - b. Supported by balancing of public vs. private interests

F. Record is provided if the person requesting the record:

1. has a **right** to inspect it;
2. identifies the record with **reasonable specificity**; and
3. pays the lawful **fees** *(if any)*

G. **Not required to:**

1. **create** a record;
2. **compile**, format, manipulate, package, summarize, or tailor information;
3. provide a record in a **particular format**, medium, or program not currently maintained by the governmental entity;
4. fulfill a person's records request if the request **unreasonably duplicates** prior records requests from that person; or
5. fill a person's records request if:
  - a. the record requested is **accessible** in the identical physical form and content in a **public publication or product produced by the governmental entity** receiving the request;
  - b. the governmental entity **provides** the person requesting the record with the public publication or product; and
  - c. the governmental entity **specifies where** the record can be found in the public publication or product.

H. **Classifications of Records**

1. Those which **MUST be disclosed** (§ 63G-2-301)
2. **Private** records (§§ 63G-2-302 and 63G-2-303)
3. **Controlled** records (§ 63G-2-304)
4. **Protected** records (§ 63G-2-305)

I. **Avenues of Relief:**

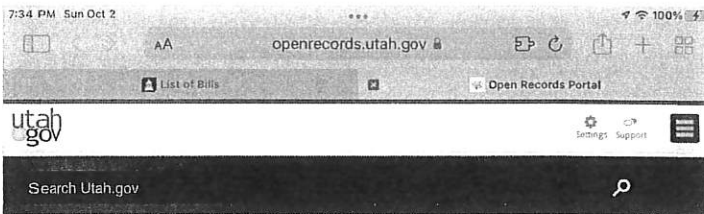
1. **Appeals** available
  - a. "in-house"
  - b. State Records Committee
  - c. district court
2. Possible **Criminal, Civil, and Disciplinary Sanctions**, when law not properly followed
  - a. Class B misdemeanor
  - b. Injunction
  - c. Attorney's fees

J. In summary:

1. **Keep in mind:**
  - a. Public policy behind the Act
  - b. Intent of the Legislature
  - c. **Who we work for:** the public!
  - d. Very similar considerations as those regarding OPMA
2. We'll be okay, and the public & relevant private interests will be properly served!

3. "Let the Sunshine In!"





## Open Records Portal

Login

# OpenRecords

The Open Records Portal is a central site from which a user can submit a records request (GRAMA request) to a governmental entity.

Request Records

Browse All Agencies

State Agencies

Counties

Cities and Towns

K-12 Education



## Browse/Select Cities

Login

# OpenRecords

Active Filters

Agency Type:  
"City/Town"

Names of Governmental Entities

Search for

Search

Location  
(County)

Salt Lake (17)

Utah (15)

Cache (12)

Wasatch (11)

Daykin (10)

More...

Previous 1 2 3 4 5 6 7 ... 15 Next

Sort by

Relevance

25 per page

Viewing 101 - 125 of 362 results

Expand all

Howell (Utah)

Request Records

Huntington (Utah)

Request Records

Huntsville (Utah)

Request Records

Hurricane (Utah)

Request Records

Hyde Park (Utah)

Request Records

Hyrum (Utah)

Request Records



Links to Records

Only show  
records with links  
to documents  
(138)

Huntington (Utah)

Request Records

Huntsville (Utah)

Request Records

Hurricane (Utah)

Request Records

Hyde Park (Utah)

Request Records

Hyrum (Utah)

Request Records

Interlaken Town (Utah)

Request Records

Ivins (Utah)

Request Records

Joseph (Utah)

Request Records

Junction (Utah)

Request Records

Kamas (Utah)

Request Records

Kanab (Utah)

Request Records

Kanarraville (Utah)

Request Records

Kanosh (Utah)

Request Records

Kaysville (Utah)

Request Records

Kingston (Utah)

Request Records

Koosharem (Utah)

Request Records

LaVerkin (Utah)

Request Records

Laketown (Utah)

Request Records



# Utahid

Username or Email

Password

☐ Remember my username

SIGN IN

Forgot password?

Create an account



About



Get Help



Contact

UtahID Help | Terms of Use | Security | Privacy Policy | Accessibility Policy



## PRINCIPLES OF ETHICAL CONDUCT

Executive Order 12674 (12 Apr 89)

### A. The Fourteen Principles:

1. PUBLIC TRUST: **Public service** is a public trust, requiring employees to place **loyalty** to the Constitution, the laws, and ethical principles **above private gain**.
2. FINANCIAL INTERESTS: Employees shall not hold:
  - **financial interests**
  - that **conflict**
  - with the conscientious performance of duty.
3. NON-PUBLIC INFORMATION: 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. GIFTS: An employee shall not [except as provided by law or lawful 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. HONEST EFFORT: Employees shall put forth **honest effort** in the performance of their duties.
6. COMMITMENTS: Employees shall not knowingly make **unauthorized commitments or promises** of any kind purporting to bind the Government.
7. PRIVATE GAIN: Employees shall not use **public office for private gain**.
8. IMPARTIALITY: Employees shall **act impartially** and not give preferential treatment to any private organization or individual.
9. USE OF GOVERNMENT PROPERTY: Employees shall:
  - **protect and conserve** Government property and
  - not use it for **other than authorized** activities. <sup>1</sup>

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<sup>1</sup> Sections 8 and 8A of the City's Personnel Policies and Procedures Manual, regarding the personal use of public property, apply to the City's elected officials [see Resolution R-2019-24, in compliance with HB 163 (2019)] and volunteers of the City.

10. 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.
11. DISCLOSURE: Employees shall **disclose waste, fraud, abuse, and corruption** to appropriate authorities.
12. 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.
13. 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.
14. AVOID THE VERY APPEARANCE! Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards.
  - a. Employees shall endeavor to **avoid any actions creating the appearance** that they are violating the law or ethical standards.
  - b. 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.
  - c. Perception is fact to him who perceives.

B. Utah has adopted specific rules of ethics for municipal officers and employees. See Utah's ***Municipal Officers and Employees Act*** (10-3-1301, *et seq.*)

- |            |                                                                                                          |
|------------|----------------------------------------------------------------------------------------------------------|
| 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. | Inducing 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.                     |

C. A QUICK REVIEW:

1. **Public service** is a **public trust**.
2. No conflicting financial interests.
3. Significant limitation on **gifts**.
4. No improper use of non-public information.
5. Put forth an honest effort.
6. No unauthorized commitments / promises.
7. **Cannot use public office for private gain!**
8. Act impartially. No preferential treatment.
9. Protect and conserve Federal property. No unauthorized use.
10. No conflicting outside employment or activities.
11. Disclose waste, fraud, abuse, and corruption.
12. Satisfy obligations as citizens in good faith.
13. Adhere to all "equal opportunity" laws and regulations.
14. **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  
REMEMBER WHO YOU ARE AND WHO YOU REPRESENT



REMEMBER WHO YOU ARE  
AND WHO YOU REPRESENT

