

**WORK SESSION OF THE  
BRIGHAM CITY COUNCIL  
ANNUAL OPEN AND PUBLIC MEETINGS TRAINING  
AND  
INTRODUCTION OF COUNCILMEMBER REQUEST FORM  
JANUARY 21, 2016  
6:00 PM**

|          |               |               |
|----------|---------------|---------------|
| PRESENT: | Tyler Vincent | Mayor         |
|          | DJ Bott       | Councilmember |
|          | Alden Farr    | Councilmember |
|          | Ruth Jensen   | Councilmember |
|          | Tom Peterson  | Councilmember |
|          | Mark Thompson | Councilmember |

|               |                       |                               |
|---------------|-----------------------|-------------------------------|
| ALSO PRESENT: | Mary Kate Christensen | City Recorder                 |
|               | Paul Larsen           | Economic Development Director |
|               | Mike Nelsen           | Police Chief                  |
|               | Derek Oyler           | Finance Manager               |
|               | Jason Roberts         | City Administrator            |
|               | Royce Wilkerson       | IT Manager                    |

**Open and Public Meeting Training**

Mr. Paul Johnson from Utah Risk Management gave the annual Open and Public Meetings Law training. He said the law was created years ago and has changed very little. It is based on the philosophy that the business of the public should be conducted openly.

A “public meeting” is defined in Utah Code as any meeting, rather live or electronically, of a quorum to discuss City business and has to be noticed. If three members get together and discuss City business and it is not in an open meeting, that is a problem. A public meeting is not a chance meeting or a social gathering, as long as three members don’t get together and discuss City business. Emails, texting and Facebook can be considered a public meeting if a quorum is involved in the back and forth discussion.

To go into a closed session, two-thirds of those present must vote for it and the minutes must reflect the reason for closing the meeting. A closed session can be closed for:

- 1) Discussion of the character, professional competence, or physical or mental health of an individual, whether an employee or someone else.
- 2) Strategy session to discuss pending or reasonably imminent litigation. There is a gray area on what is defined as pending or reasonably imminent. Mr. Johnson said he has seen this stretched, but if someone has threatened a lawsuit and the Council needs to know, he felt a closed session was justified.
- 3) Purchase or sale of property when the disclosure would put the City at a disadvantage.
- 4) Strategy session to discuss the sale of real property.
- 5) Deployment of security personnel, devises or systems.
- 6) Investigative proceedings regarding allegations of criminal misconduct.

The agenda must be posted at least 24 hours before the meeting and an annual meeting schedule must be posted. The agenda must be sent to a local paper; it is then up to them if they publish it or not. An emergency meeting can be called without the 24 hour notice but effort must be made to contact all councilmembers and give the best practicable notice. An emergency meeting must be a real emergency, such as a weather related disaster.

The meetings are public record unless the meeting is closed. The recordings are also public records. Draft meetings are also public records but are not the official record of the meeting.

Councilmember Peterson asked if the closed session has to be listed on the agenda. Mr. Johnson said this has been a subject of a lot of discussion. The law says councils cannot go into a closed door session except from a lawfully convened open session. It does not say it has to be on the agenda. However, if it is known that there is going to be a closed session it should be on the agenda. Ms. Christensen asked if it needs to state on the agenda why the Council is convening into a closed session. Mr. Johnson recommended that it state the reason.

Mr. Johnson said State law clarified what can be done when a citizen brings up an item that is not on the agenda. The item can be discussed, but final action cannot be made. It is up to the Mayor whether to allow discussion or not.

Councilmember Farr asked if there is a law that there has to be public comment. Mr. Johnson said there is not. The Mayor can set the frequency of public comment, the time limit, and where it should be placed on the agenda.

Mr. Johnson reviewed the ethics laws. Anytime a councilmember is going to receive compensation for assisting someone in a business transaction with the City, a written disclosure must be filed with Mayor at least ten days before the agreement is entered into.

Councilmembers cannot disclose or improperly use private information acquired because of their position in order to get financial gain or a special privilege or exemption. This includes information that is heard in a closed session. They cannot use their position to substantially further their own financial interest or secure a special privilege. They cannot receive, take, accept, seek or solicit, directly or indirectly, for themselves or for another a gift of substantial value which would tend to improperly influence a reasonable person in their position. This does not apply to an occasional, nonpecuniary gift of less than \$50.

Mr. Johnson briefly discussed zoning. He used group homes as an example of cities not wanting them in their City. He warned the Council not to make public clamor the soul basis for their decisions. It can be a factor, but not the basis. If something is denied they should have some very good reasons. If the Council ever considers denying a group or a conditional use permit he recommended getting legal counsel.

Conditional use permits are administrative in nature and are not a legislative action. Because of this, the Council cannot have communications with the applicant; everything the Council bases their decision on has to be heard in an open meeting.

Mr. Johnson said emails, even on personal computers, will be evidence.

**Councilmember Request Form**

Mr. Roberts explained that there are a lot of requests that councilmembers make to staff. Sometimes these requests can take a lot of staff's time. The intent of this form is to make these requests easier and have the ability to track the request. This form will not need to be made for quick questions to staff.

Mr. Wilkerson gave a demonstration of the electronic form. All requests will go to the City Administrator who will forward it to the correct department for response. The request can be tracked by the councilmember.

The meeting adjourned at 6:54 PM.