

# POLICY #110

## COTTONWOOD HEIGHTS PARKS AND RECREATION SERVICE AREA

### POLICY GOVERNING OPEN AND PUBLIC MEETINGS

**REFERENCE:** The Open and Public Meetings Act, Utah Code Ann. §§ 52-4-2 and 52-4-7.8(1).

#### **PURPOSE:**

This Policy establishes guidelines for meetings of the Cottonwood Heights Parks & Recreation Service Area Board of Trustees, including how meetings are to be convened, how they are conducted and how minutes are to be prepared and approved.

#### **SECTION I: DEFINITIONS:**

Anchor Location - The physical location from which the electronic meeting originates or from which the participants are connected.

Board of Trustees - Three elected officials to serve on the Cottonwood Heights Parks & Recreation Service Area Board of Trustees.

Board of Trustees Meeting - A public meeting held by the Board of Trustees to discuss and review matters pertaining to the Cottonwood Heights Parks and Recreation Service Area.

Cottonwood Heights Parks & Recreation Service Area - to be recognized as Service Area

GRAMA – Government Records Access and Management Act

Real Property – Real estate

Service Area - Special taxing district governed by an elected Board of Trustees. Also known as Cottonwood Heights Parks & Recreation Service Area

#### **SECTION I: POLICY**

- 1.0 The Cottonwood Heights Parks and Recreation Service Area will establish an annual meeting schedule, including the date, time and location of each regular Board of Trustees Meeting throughout the year, prior to December 31 of the previous year, and give public notice of the annual meeting schedule.
- 2.0 Notwithstanding the foregoing, any meeting may be rescheduled at the request or on the affirmation vote of a majority of the Board of Trustees, with notice of the rescheduled meeting to be provided as stated in Paragraph “Policy 4.0”.

3.0 The Board of Trustees shall hold special and emergency meetings as desired by the Board of Trustees, provided that notice of all such meetings is given as provided in paragraph “Policy 4.0”.

3.1. A special or emergency meeting of the Board of Trustees may be convened at the request of any Board of Trustees Member.

4.0 The Cottonwood Heights Parks and Recreation Service Area shall give not less than twenty-four (24) hours advance public notice of the agenda, including the date and place of each regular and special meeting of the Board of Trustees, by posting a written notice at the Cottonwood Heights Parks and Recreation Service Area office and at the building where the meeting is to be held and providing notice to at least one newspaper of general circulation in Salt Lake County or to a local media correspondent, which notice may be provided by facsimile transmission or any other reasonable means. If, due to unforeseen circumstances, it is necessary for the Board of Trustees to hold an emergency meeting to consider issues of emergency or urgent nature, the foregoing notice requirements may be disregarded and the best notice practical given. No emergency meeting of the Board of Trustees may be held, however, unless a good faith attempt has been made to notify all members of the Board of Trustees and a majority of the Board of Trustees consents or agrees to hold the meeting. These notice requirements are minimum requirements and shall be construed as precluding such additional postings and notifications as may be directed by the Board of Trustees. If any member of the Board of Trustees will participate in the meeting through electronic means, the notice requirements of Utah Code Ann. § 52-4-7.8(3) must be satisfied.

5.0 The agenda of a meeting of the Board of Trustees may be amended to include additional subjects at the request of any Board of Trustees Member, even though notice of the meeting has already been given as provided in Paragraph “Policy 4.0”, provided that the amended notice is posted at the Cottonwood Heights Parks and Recreation Service Area’s office and provided to a newspaper or local media correspondent as set forth above.

## **SECTION II: PROCEDURES**

1.0 A copy of the annual meeting schedule shall be posted at the Cottonwood Heights Parks and Recreation Service Area office and at the building where the meetings are to be held, be available for public inspection, and, be provided to a newspaper of general circulation in Salt Lake County or to a local media correspondent, which notice may be provided by facsimile transmission or any other reasonable means.

2.0 An agenda shall be prepared for every meeting of the Board of Trustees. Regular Board of Trustees Meeting agendas may include a “public comment” or its functional equivalent, agenda item. A similar agenda item may, but need not, be included in the agenda of any special or emergency Board of Trustees Meeting. Any interested party may ask any Board of Trustees Member or the person responsible for the agenda to

include a particular subject or an agenda which subject may, in the discretion of the Board of Trustees member or other person who is responsible for the agenda, be so included. Each agenda shall include subjects as requested by any Board of Trustees member. Items not appearing on the agenda may nevertheless be discussed, at the discretion of the Board of Trustees member chairing the meeting, but, absent an emergency, no action should be taken by the Board of Trustees on any subject not included in the agenda. Subjects and issues may be identified in the agenda using general references. For example, an agenda reference to “Personnel” or “Personnel Matters” will enable the Board of Trustees member to discuss, consider and act upon any personnel matters, decisions or issues that are brought up at the meeting.

- 3.0 No action may be taken and no business may be conducted at a meeting of the Board of Trustees unless a quorum, consisting of a simple majority of the membership of the Board of Trustees, is present. A Board of Trustees Member who is not physically present may nevertheless participate in the meeting through electronic means and be counted toward the required quorum in accordance with Utah Code Ann. § 52-4-7.8. Any Board of Trustees Member participating via electronic means may make, second and vote on all motions and participate in the discussion as though present, except that the Board of Trustees Member who chairs the meeting must be present at the anchor location.
- 4.0 Unless the Chair or designee, as appropriate, is participating in the meeting via telephone communication, each meeting of the Board of Trustees Members shall be conducted by the Chair, if present, or by any Board of Trustees Member selected for that purpose by majority vote of the Board of Trustees present when the Chair is present. The Board of Trustees Member chairing the meeting may relinquish the Chair to any other Board of Trustees Member, other than a Board of Trustees Member participating via telephone communication, at any time during the meeting. The Board of Trustees Member chairing the meeting may discuss every matter coming before the Board of Trustees Members, make, second and vote on motions, and otherwise fully participate in the meeting.
- 5.0 Any person who willfully disrupts a Board of Trustees Meeting to the extent that the orderly conduct of the meeting is seriously compromised may be removed from the meeting. Should the person refuse to leave the meeting when asked to do so by Chair, security personnel or law enforcement officials may be called to remove the person.
- 6.0 Except as otherwise provided in this Paragraph 6.0, all meetings of the Board of Trustees are to be open to the public and all decisions must be made in public. A meeting, or a portion of a meeting, may be closed to the public upon the affirmation vote of two-thirds of the Board of Trustees Members present at the meeting. A meeting may be closed for any of the reasons specified in Utah Code Ann. § 52-4-5 as follows:
  - 6.1 A discussion of the character, professional competence or physical or mental health of an employee.
  - 6.2 Strategy sessions to discuss collective bargaining.

- 6.3 Strategy sessions to discuss pending or reasonably imminent litigation.
- 6.4 Strategy sessions to discuss the purchase, exchange, lease or sale of real property provided, however, that before the sale of real property may be discussed, public notice that the property will be offered for sale must be given.
- 6.5 A discussion regarding the deployment of security personnel, devices or systems.
- 6.6 Investigative proceedings regarding allegations of criminal misconduct.
- 7.0 The Board of Trustees may not interview a person applying to fill an elected position and may not approve any resolution, rule, regulation, contract or appointment during a closed meeting. The identity of the specific person whose character, competence or health is to be discussed, the identity of the parties to pending or reasonably imminent litigation, or the identity of property which the Board of Trustees is considering purchasing, exchanging or leasing need not be stated in the motion to close the meeting or in the public portion of the meeting where such disclosure might infringe on the confidence necessary to fulfill the purpose of closing the meeting. Only the Board of Trustees, and those persons designated by the Board of Trustees, may be present during a closed meeting.
- 8.0 The Service Area may, but need not, tape record any open meeting. Any other person in attendance may record all or part of an open meeting, provided that the recording does not interfere with the conduct of the meeting.
- 9.0 A meeting may be convened and conducted by means of telephonic, telecommunications, or computer conference by satisfying the requirements of Utah Code Ann. § 52-4-7.8.
- 10.0 Written minutes shall be kept of all meetings of the Board of Trustees. Draft minutes shall be prepared by the person designated by the Board of Trustees who may, but need not, be a Board of Trustees Member or the Director. The minutes are to include the date, time and place of the meeting; the names of Board of Trustees Members present and absent; the substance of all matters proposed, discussed or decided and a record of the individual votes taken; the names of all citizens who presented testimony at any public hearing conducted by the Board of Trustees and the substance in brief of their testimony; and any other information that any Board of Trustees Member requests be entered in the minutes.
- 11.0 The reason or reasons for holding a closed meeting and the vote of the Board of Trustees Members, cast by each member by name, either for or against the proposition to close the meeting, is to be entered in the minutes of each meeting. The minutes shall also include the date, time, and place of the closed meeting; the names of the Board of Trustees Members present and absent during the closed meeting; and the names of all others present during the closed meeting except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting as, for

example, the identity of an employee whose character, competence or physical or mental health is being discussed. No other detail regarding a closed meeting need be included in the minutes, except as otherwise provided in Paragraph "Procedure 10.0".

- 12.0 If the Board of Trustees closes a meeting to discuss the character, professional competence or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems, the person presiding at the closed meeting shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss either (a) the character, professional competence or physical or mental health of an individual; or (b) the deployment of security personnel, devices or systems.
- 13.0 If the Board of Trustees closes a meeting for any purpose other than as specified in Paragraph "Procedure 6.0", either the closed portion of the meeting will be tape recorded or separate detailed written minutes that disclose the content of the closed portion of the meeting will be prepared, approved and maintained. Notwithstanding anything to the contrary in this Policy, in the Cottonwood Heights Parks and Recreation Service Area's GRAMA policy or in the Government Records Access and Management Act, Utah Code Ann. § 63-2-101 *et. seq.*, tape recordings and detailed written minutes of closed meetings are protected records to be disclosed only pursuant to a court order as provided by Utah Code Ann. § 52-4-10. Detailed minutes of a closed meeting or a closed portion of a meeting shall be maintained separately from any open meeting minutes. Any person who violates Utah Code Ann. § 63-2-801 regarding the protected status of such minutes and tape recordings may be subject to criminal penalties.
- 14.0 Minutes shall not be "official" until they have been formally approved by the Board of Trustees. Not being final or official, draft minutes are not subject to production under a GRAMA request. With the exception of minutes that are "protected" as provided in Section II Paragraph 6.0, all approved minutes of the Cottonwood Heights Parks and Recreation Service Area are public records and shall be available for review and inspection within a reasonable time after having been approved by the Board of Trustees. A separate file or book containing approved public minutes is to be maintained at the Cottonwood Heights Parks and Recreation Service Area office for inspection by the public during normal business hours.
- 15.0 Neither this Policy nor The Act shall apply to any chance meeting or social meeting of any of the Board of Trustees Members provided, however, that such chance meeting or social meeting shall not be used to circumvent this Policy. This Policy shall, however, apply to all regular, special and emergency meetings of the Board of Trustees.

APPROVED AND PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

COTTONWOOD HEIGHTS  
PARKS AND RECREATION SERVICE AREA

By: \_\_\_\_\_

Mike Peterson, Director

BOARD OF TRUSTEES OF TRUSTEES

By: \_\_\_\_\_

E. Bart Hopkin, Chairman