

CITY COUNCIL WORK SESSION
Tuesday, February 18, 2014 6:00 p.m.
Community Recreation Center
10640 N Clubhouse Drive, Cedar Hills, Utah

Present: Mayor Gary Gygi, Presiding
Council Members: Trent Augustus, Rob Crawley, Michael Geddes, Jenney Rees,
Daniel Zappala
David Bunker, City Manager
Chandler Goodwin, Assistant City Manager
Colleen Mulvey, City Recorder
Eric Johnson, City Counsel
Courtney Hammond, City Meeting Transcriptionist
Greg Gordon, Recreation Director
Others: Lt. Sam Liddiard

This work session of the City Council of the City of Cedar Hills, having been properly noticed, was called to order at 6:06 p.m. by Mayor Gygi.

Open and Public Meetings Act Training

Eric Johnson trained council members on the Open and Public Meetings Act. Annual training is required. Every year an annual meeting schedule needs to be posted at several locations. Any other meeting that is later called is a special meeting. The agenda for all meetings on the annual meeting schedule needs to be posted at least 24 hours before the meeting. No action can be made on an item that is not on the posted agenda. There is an exception for emergencies. The city council's authority ends at the city boundaries, so generally city meetings should take place within city boundaries, and all action items need to take place within the city boundaries. The mayor sets the agenda. Any two council members can request that an item be placed on the agenda. There is no such thing as a proxy. If a council member is not present, he/she cannot vote. If properly noticed, a council member can participate electronically. Executive sessions are for limited purposes. It is wrongful to discuss executive session items outside closed door sessions. The chief executive officer is the mayor, and he is the one that interacts with staff. It becomes difficult for staff when council members go directly to staff for requests. Communications with staff should first go through the mayor. Council members can gather socially, but no city business should be discussed during social gatherings. Any two council members can talk about city business at any time. Once three are present, it constitutes a quorum, and no city business can be discussed. Utah law expressly states that email communications among the council does not violate the Utah Open Meetings Act; however those emails are subject to GRAMA request. If the attorney is copied on an email, that email is under attorney/client privilege. It would be wrong for any person on that email list to share that email. It could only be disclosed outside the email circle upon a vote of council to waive the attorney-client privilege. All emails are public records making them city property, so no one council member can choose to share those emails. This topic is covered in the GRAMA portion of the code. The city has been to the State Records Committee for several clarifications on emails. Public records may contain both private and public information. The public's access to those records excludes any private, protected or privileged information. Emails are different than other public records, such as city council

minutes, which are reviewed with any private and protected information removed. Emails do not get that review until a GRAMA request is submitted. The portions of the emails without private and protected information can then be released. The city is entitled to charge some small fees related to GRAMA, including compiling fees and copying fees. The city has routinely charged those fees over the years. The city wants to be able to charge. There are some limited circumstances when that can be waived without violating equal protection laws. One of those instances is if it primarily benefits the public. Mr. Cromar uses the emails to advance his personal political agenda, editorializing along the way, which makes them for personal benefit, rather than public benefit. The use of public funds for partisan reasons is not appropriate. On those grounds the city council denied handing over the 2012 GRAMA requests for free. The State Records Committee unanimously agreed. He believes that granting the recent GRAMA email requests without charge would violate constitutional principles.

This meeting was adjourned at 6:49 p.m. by Mayor Gygi.

/s/ Colleen A. Mulvey
Colleen A. Mulvey, CMC
City Recorder