

CHAPTER 4

COMMISSION MEETINGS

4.1 TERMS USED IN THIS CHAPTER. As used in this Chapter:

- A. “Act” means the Utah Open and Public Meetings Act of the Utah Code.
- B. “Closed to the public” means a meeting that the public is not allowed to attend pursuant to the Act.
- C. “Open to the public” means a meeting that the public is allowed to attend pursuant to the Act.
- D. Terms used in this Chapter that are defined in the Act shall have the meaning given by the Act.

4.2 MEETINGS OF THE COMMISSION

- A. Regular Meeting. A regularly scheduled meeting of the Commission for which notice of the date, time, and place has been given in the Annual Meeting Schedule.
- B. Special Meeting. Any meeting of the Commission that replaces or is held in addition to regular meetings.
- C. Annual Meeting. The meeting at which officers of the Commission are elected. The Annual Meeting shall be held on the date and hour of its regularly scheduled meeting in January.
- D. Emergency Meeting. A special meeting held as a result of unforeseen circumstances, to consider matters of an urgent or emergency nature.

4.3 PLACE OF MEETINGS

Except as may otherwise be determined, meetings of the Commission shall be held at the formal office of the various Commission members on a rotating basis as provided in the notice.

4.4 PUBLIC NOTICE OF MEETINGS

- A. Annual Meeting Schedule. An annual schedule of the regular meetings of the Commission shall be posted at all times in a conspicuous place at the Commission’s principal office or on the Commission’s website. The annual schedule of regular meetings shall be sent to the Public Notice Website and other organizations and individuals requesting such schedule.
- B. Regular Meeting. Notice of the date, time, place and agenda for each regular meeting shall be posted at the Commission’s principal office and sent no less than 24 hours before the

beginning of each meeting to the Public Notice Website and other organizations and individuals requesting such notice.

C. Special Meeting. Where possible, the notice described in Section 4.4.B shall be given. However, when unforeseen circumstances require calling a special meeting, including an emergency meeting, the notice requirements of Section 3.4.B may be disregarded and the best practicable notice given. No special meeting shall be held until a reasonable attempt has been made to notify all Commissioners, and a majority of the Commissioners contacted and polled agree to hold the special meeting.

D. Meeting at a Place other than the Principal Place of Business. Notice of a meeting to be held at a place other than the principal place of business shall be given as provided by law.

4.5 NOTICE TO COMMISSIONERS. The Commission Clerk or other designee shall send notice of all regular and, when possible, special meetings of the Commission to all Commission members by ordinary mail, electronic transmission or hand delivery at least three days in advance of each meeting. Such notice shall include the date, time, and place of the meeting as well as a copy of the previous meeting's minutes and the agenda for the proposed meeting.

4.6 CONDUCT OF MEETINGS

A. All meetings of the Commission shall be conducted according to Robert's Rules of Order when requested so by a Commissioner.

B. Any Commissioner shall have the right to place any matter on the agenda if a reasonable notice of seven days is given. The meeting shall follow the agenda unless otherwise agreed.

4.7 QUORUM. A majority of the actual Commissioners shall constitute a quorum for the transaction of Commission business. A concurrence of a majority of the quorum, in any matter within the scope of their duties, shall be sufficient for the determination of such matter, except as required otherwise by statute or in this Manual.

4.8 PRESUMPTION OF ASSENT. A Commissioner who is present at a meeting of the Commission at which action on any matter is taken shall be presumed to have assented to the action taken unless the Commissioner's dissent shall be entered into the minutes of the meeting or unless the Commissioner shall file written dissent to such actions before the adjournment of the meeting. A written dissent shall not apply to a Commissioner who voted in favor of such action.

4.9 NO PROXY. A Commissioner may not delegate the right to vote on Commission matters to an designee; provided, however, that a Commission may send a non-voting designee to Commission meetings for the purpose of gathering information for and expressing the viewpoint of the designee's Commissioner.

4.10 OPEN AND CLOSED MEETINGS

A. Open Meeting. All meetings of the Commission, except closed meetings, shall be open to the public.

B. Closed Meeting. Except as otherwise directed by the Board, closed meetings shall be open only to Board members, and Commission staff. A closed meeting may be held upon the affirmative vote of two-thirds of the Board present at an open meeting for which notice is given, provided a quorum is present. A closed meeting may be held for any of the following purposes:

1. Discussion of the character, professional competence, or physical or mental health of an individual.

2. Strategy sessions to discuss personnel matters.

3. Strategy sessions to discuss pending or reasonably imminent litigation.

4. Strategy sessions to discuss the purchase, exchange, or lease of real property when public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Commission from completing the transaction on the best possible terms.

5. Strategy sessions to discuss the sale of real property when: (a) public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Commission from completing the transaction on the best possible terms; (b) the Commission previously gave public notice that the property would be offered for sale; (c) the terms of the sale are publicly disclosed before the Commission approves the sale.

6. Discussion about deployment of security personnel, devices or systems.

7. Investigative proceedings regarding allegations of criminal misconduct.

C. Actions Taken. No ordinance, resolution, rule, regulation, contract, or appointment shall be approved at a closed meeting.

4.11 MINUTES OF MEETINGS TO BE KEPT

A. Open Meeting. Written minutes shall be kept of all open meetings. Such minutes shall include:

1. The date, time, and place of the meeting.

2. The names of members present and absent.

3. The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken.

4. The names of all citizens who appeared and the substance in brief of their testimony.

5. Any other information that any member requests be entered in the minutes.

Minutes shall not be “final” or “official” until the Commission has formally approved them. Notes and/or draft minutes prepared by or at the direction of the Clerk shall be destroyed one year after the minutes are formally approved by the Commission.

B. Closed Meeting. Unless the closed meeting is called for purposes specified in Section 4.10.B or 4.10.B., in which case the presiding officer shall sign a sworn statement affirming the purpose of the meeting, an audio recording shall be kept of the closed portion of the meeting. Written minutes also may be kept. If minutes are kept, they shall include:

1. The date, time, and place of the meeting.
2. The names of members present and absent.
3. The names of all others present.
4. The content of the meeting.

Audio recordings and written minutes of the closed meeting are protected records under the Governmental Records Access and Management Act (“GRAMA”), section 63-2-801 *et seq.* of the Utah Code, and any person who violates the provisions GRAMA is subject to the criminal penalties contained in GRAMA. Audio recordings and written minutes of closed meetings may be disclosed pursuant to a Court order only as provided in section 52-4-304 of the Utah Code.

4.12 PUBLIC HEARING PROCEDURES

A. Public hearings before the Commission shall follow these procedural steps:

1. Declaration that the public hearing is open.
2. Verification that legal notification requirements have been met.
3. Staff presentation.
4. Questions by Commissioners.
5. Motion to open public comment session.
6. Call upon individuals who have completed and submitted registration cards (see section 4.12.B. below).
7. Motion to close public comment session.
8. Staff response.

9. Questions by Commissioners.
10. Commission discussion.
11. Commission vote.
12. Motion to adjourn/close public hearing.

B. The following rules shall be observed during public hearings before the Commission:

1. Members of the public who desire to speak shall each first complete a registration card indicating the speaker's name, address and affiliations to the agenda item(s) (or whom the person represents).
2. The Chair shall determine who will speak after reviewing the registration cards. Each speaker shall be called by the Chair and at the discretion of the Commission.
3. Speakers shall state their names, addresses and affiliations to the agenda items (or whom they represent) before beginning their comments.
4. Speakers shall address their comments to the Chair, and they shall not debate with other meeting attendees or make personal attacks.
5. A predetermined time limit shall be placed on speakers. A speaker cannot combine his time with another (e.g., Speaker "X" cannot give his time to Speaker "Y" so that Speaker "Y" has double the time), and the Chair will not recognize redundant speakers/comments.
6. To permit everyone the opportunity to hear the proceedings, attendees shall be as quiet as possible.
7. The hearing is designed for civil discussion. Therefore, attendees shall not jeer, cheer, yell out comments, or clap.
8. Attendees shall not display any signs or distribute any handouts or flyers in the hearing room.
9. After the close of the public comment period, discussion shall be limited to Commission members and staff.

C. The Chair of the public hearing shall enforce the procedures and rules set forth above in subsections A and B. At the Chair's discretion and consistent with this Manual, the Chair may take such additional actions as will promote an orderly and efficient public hearing.

4.13 ELECTRONIC MEETINGS

A. In accordance with the Act, the Commission may convene and conduct any meeting in

which one or more Commissioners participate electronically, provided:

1. The notice for and procedures of the meeting shall conform to the Act and to all applicable provisions of this Manual; and,
 2. After making reasonable effort to do so, the Commission is unable to hold the meeting with all Commissioners physically present in the anchor location.
- B. Commissioners unable to be physically present but who wish to participate electronically in a meeting shall be connected to the anchor location by means of a conference using electronic communications, subject to the following conditions:
1. At the appointed time, the Commission shall initiate contact with those Commissioners who indicated they will attend electronically.
 2. Commissioners participating electronically will be allowed to use a cellular or mobile telephone as long as they are in a safe quiet place and their participation is not disruptive to the meeting. If participation in a closed meeting the Commission shall use a secure, encrypted Internet line or a secure, hard telephone line that prevents unauthorized parties from listening.
 3. Commissioners participating electronically shall not use speaker phones or other communication equipment that may allow unauthorized parties to overhear the meeting.
- C. Applicable procedures of this Manual shall govern an electronic meeting with the following additions:
1. Commissioners who wish to participate electronically shall notify the Commission at least twenty-four (24) hours before the scheduled start of the meeting and shall provide contact information to allow their participation.
 2. Minutes of the meeting shall note that the meeting was conducted electronically in accordance with the Act and this Manual. The minutes shall identify those Commissioners participating electronically.
 3. All parties participating electronically should be able to hear and to speak with each other and all present in the anchor location.
 4. Commissioners and parties in the anchor location should be able to hear and to speak with those participating electronically.
 5. Electronic participation in a meeting shall constitute presence at that meeting for all purposes, including the determination of a quorum and voting.
 6. If visual aids or documents are to be presented or used at the meeting, the Commission shall make reasonable efforts to provide copies to each person participating electronically.

7. At the conclusion of the meeting, persons attending electronically shall verbally certify that they participated in good faith in the entire meeting.
- D. An anchor location for all electronic meetings shall be the office designated by the Commission for that particular meeting and shall be indicated in the meeting notice.
 - F. Inasmuch as confidentiality may be intentionally or inadvertently compromised, the following shall not be part of any electronic meeting:
 1. Communication among the Commission, staff and the Commission's legal counsel, such that the attorney-client privilege may arise.
 2. An interview or discussion by the Commission of an employee or a candidate for employment.
 3. Topics required or allowed to be kept confidential, private or secret by state or federal law.
 4. Any other topic which the Commission determines must remain confidential, private or secret.