

**STANSBURY SERVICE AGENCY  
BOARD MEETING POLICIES AND PROCEDURES**

**2/10/2014**

**SECTION I. BACKGROUND**

- A. **Policy:** This shall be known as the Stansbury Service Agency Board Meeting Policy.
- B. **Purpose:** The Policy establishes guidelines for meetings of the Agency Board, including how meetings are to be convened, how they are to be conducted and how minutes are to be prepared and approved.

**SECTION II. COMPLIANCE WITH STATE LAW**

- A. **Application of the Open and Public meetings Act:** In adopting the Policy, the Agency recognizes the application of the Open and Public Meetings Act, Utah Code Ann. 42-4-1 *et.seq.* (the "Act"). Any inconsistency or conflict between this Policy and applicable provisions of the Act shall be governed by the Act, as amended from time to time.
- B. **Definitions:** The definitions stated in Utah Code Ann. 52-4-2 and 52-4-7.8 (1) are incorporated herein by reference.

**SECTION III. MEETING NOTICE AND AGENDA**

- A. **Required Annual Notice:** The Agency Board will, either shortly prior to or at the beginning of each calendar year, establish an annual meeting schedule, including the date, time and location of each regular Board meeting through the year, and give public notice of the annual meeting schedule. Notwithstanding the foregoing, any meeting may be rescheduled at the request or on the affirmative vote of a majority of the voting power of the Board, with notice of the rescheduled meeting **to the provided** as stated in paragraph D. A copy of the annual meeting schedule will be posted at the Agency office, be available for public inspection and be provided to a newspaper of general circulation in Tooele County, Utah, or to a local media correspondent.
- B. **Special and Emergency Meetings:** The Board may hold special and emergency meetings, provided that they are properly called and notice of every such meeting is given as provided in paragraph D. No emergency meeting of the board may be held unless a good faith attempt has been made to notify all of the members of the Board and a majority of the Board consents, agrees or votes in the affirmative to hold the meeting. A special meeting of the Board may be called by the Chair and an emergency meeting may be called either by the Chair or by the General Manager. Any Board Member or the General Manager may

request that a special meeting of the Board be held, but the approval of the Chair will be required. In the absence of the Chair, the Vice-Chair may call either a special meeting or an emergency meeting of the Board. In the absence of the General Manager, any person designated by the General Manager may call an emergency meeting of the Board.

**C. Agenda:** An agenda shall be prepared for every meeting of the Board. Regular Board meeting agendas will 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 meeting. Each agenda will include subjects as requested by any Board Member or the General Manager. Items not appearing on the agenda may nevertheless be discussed, at the discretion of the Board Member chairing the meeting but, absent an emergency, no action should be taken by the Board 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 to discuss, consider and act upon any personnel matters, decisions or issues that are brought up at the meeting.

**D. Notice:** The Agency will give not less than 24 hours' advance public notice of the agenda, including the date, time and location of each regular and special meeting of the Board, by posting a written notice at the principal office of the Agency and providing notice to at least one newspaper of general circulation in Tooele County, Utah, or to a local media correspondent, which may be provided by facsimile transmission or any other reasonable means. In addition, electronic means, (electronic mail or fax) may be used to post notice of the meeting. If, due to unforeseen circumstances, it is necessary for the Board to hold an emergency meeting to consider issues of an emergency or urgent nature, the foregoing notice requirements may be disregarded and the best notice practicable given. These notice requirements are minimum requirements and are not to be construed as precluding such additional postings and notifications as may be directed by the Board. If any Board Member will participate in the meeting through electronic means, the notice requirements of Utah Code Ann. 52-4-7.8(3) must be satisfied, including notice to all Board Members at least 24 hours before the meeting and including in all notices of the meeting a description of how the Board Members will be connected to the electronic meeting.

**E. Amendments to Agenda:** The agenda of a meeting of the Board may be amended to include additional subjects at the request of any Board Member, even though notice of the meeting has already been given as provided in paragraph D, if the amended notice is posted at the Agency's principal office and the anchor location of any electronic meeting (if it is other than at the Agency's principal office) and provided to a newspaper or local media correspondent at least 24 hours before the scheduled time of the meeting as set forth above.

## SECTION IV. CONDUCT OF MEETINGS

A. **Quorum:** No action may be taken and no business may be conducted at a meeting of the Board unless a quorum, consisting of a simple majority of the members of the Board, is present. A Board 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 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 Member who chairs the meeting must be present at the anchor location.

B. **Control of the Meeting:** Unless the Chair or Vice-Chair, as appropriate, is participating in the meeting via electronic communication, each meeting of the Board will be conducted by the Chair, if present, or by the Vice-Chair in the absence of the Chair. If neither the Chair nor the Vice-Chair is physically present (but there is still a quorum) any Board Member selected for that purpose by majority vote of the Board Members present may preside over the meeting. The Board Member chairing the meeting may relinquish the chair to the next Board Member in succession, other than a Board Member participating via electronic communication, at any time during the meeting. The Board Member chairing the meeting may discuss every matter coming before the Board, make, second and vote on motions, and otherwise fully participate in the meeting.

C. **Public Participation:** Time for public comment will be allotted at every regular Board meeting (excluding electronic meets as provided in paragraph H below) and may, in the discretion of the Chair, be allowed at any special or emergency meeting of the Board in accordance with the following:

1. Each member of the public addressing the Board will be expected to stand, unless to do so would pose physical difficulties.
2. Each speaker will be expected to state his or her name and address before directing comments to the Board.
3. The public comment portion of a meeting is not a question and answer session. Rather, it is intended to enable the Board to receive testimony and input from the public. Any member of the public who has questions regarding any aspect of the Agency operations is encouraged to meet with the General Manager or an appropriate staff member outside of the meeting, including staying after the meeting has been adjourned.
4. Under normal circumstances, each speaker will be allowed up to three minutes provided, however, that the Chair may reduce allotted time to as few as two minutes per speaker.

5. Once a speaker has been informed that his or her allotted time is up, the speaker will be expected to finish the sentence and relinquish the floor. If the speaker wants to say more, the speaker may meet privately with staff and may also continue his or her remarks at the next regular Board meeting.
6. Speakers are encouraged to avoid repetition and, where a group is present, to designate a spokesperson to speak for the group. In the interest of economy and the orderly conduct of a meeting, the Chair may ask any speaker who is merely restating points if he or she has any new information for the Board. If the speaker does not have new information, the speaker may be asked to relinquish the floor to another speaker who has new information.
7. A speaker wishing to address a particular line item on the meeting agenda should designate the agenda item being discussed at the beginning of the remarks. Comments regarding agenda items will take priority over the discussion of non-agenda items. Persons will, however, be allowed to discuss any relevant matter during the public comment portion of the regular Board meeting, even if the matter is not otherwise identified as an agenda item.
8. It is the intent that public comments generally be directed to the Board only during the public comment portion of the agenda or during a public hearing. Nevertheless, the Chair may, in the Chair's discretion, direct questions to experts in attendance and may allow brief public comment during the discussion of a specific agenda item. Public comments outside of the public comment portion of the meeting should not, however, exceed one minute per person.
9. To encourage public comment on matters before the Board, signed letters and written statements that are short enough to be read aloud in three minutes or less may be read into the record during the public comment portion of a Board meeting.

**D. Expulsion from a Meeting:** The right to attend and observe a public meeting does not include the right to participate in that meeting. Public participation in Agency Board meetings is a privilege granted by the Board in the interest of open government, but it is not a right. Any person who willfully disrupts a Board 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 the Chair, security personnel or law enforcement officials may be called to remove the person.

**E. Closed Meetings:** Except as otherwise provided in this paragraph E, all meetings of the Board 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 affirmative vote of two-

thirds of the voting power of the Board 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:

1. A discussion of the character, professional competence or physical or mental health of an individual.
2. Strategy sessions to discuss collective bargaining.
3. Strategy sessions to discuss pending or reasonably imminent litigation.
4. Strategy sessions to discuss the purchase, exchange, lease or sale of real property when public discussion of the transaction would disclose the appraisal or estimated value of the subject property or would prevent the Board from completing the transaction on the best possible terms 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, and the terms of the sale must be publicly disclosed before the Board approves the sale.
5. A discussion regarding the deployment of security personnel, devices or systems.
6. Investigative proceedings regarding allegations of criminal misconduct.

**F. Conduct of a Closed Meeting:** The Board Members 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 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 Members and those persons designated by the Board, may be present during a closed meeting.

**G. Recording of Meetings:** The Agency may, but need not, record any open meeting. Any other person in attendance may record all or any part of an open meeting, provided that the recording does not interfere with the conduct of the meeting. A recording of an open meeting made by the Agency is to be maintained for three years after which the recording may be erased or destroyed and any tape or other recording device may be reused provided that written minutes have been prepared for the meeting.

**H. Electronic Meetings:** 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. One or more "anchor locations" must be established for all electronic meetings. The anchor location is the physical location from which the electronic

meeting must be in the building where the Board would normally meet if not holding an electronic meeting. Public notice must be given of each electronic meeting by posting written notice at the anchor location(s) and providing written or electronic notice to at least one newspaper of general circulation within the state and to a local media correspondent. Notice must also be given to all Board Members at least 24 hours before the meeting. All meeting notices must include a description of how the Board Members will be connected to the electronic meeting. Space and facilities must be provided at the anchor location(s), so that all interested persons may attend and monitor the open portions of the meeting. In addition, if the meeting is a public hearing, space and facilities must be provided at the anchor location(s) so that interested persons and the public may attend, monitor and participate in the hearing. Notwithstanding anything to the contrary in the Policy, with the exception of a public hearing, the general public and other interested persons need not be provided an opportunity to participate in, as opposed to attend and monitor, an electronic meeting. Except as otherwise provided in the paragraph H, or in the Act, this Policy shall apply to electronic meetings the same as to other types of Board meetings.

## SECTION V. MINUTES

**A. Open Meetings:** Written minutes and a digital or tape recording shall be kept of all open meetings of the Board. Draft minutes shall be prepared by the person designated by the Board. The minutes are to include the date, time and place of the meeting, the names of Board Members present and absent, the substance of all matter 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 and the substance in brief of their testimony; and any approved Board meeting minutes or a digital or tape recording of the meeting will be available for inspection by the public upon request and during normal business hours.

**B. Closed Meetings:** The reason or reasons for holding a closed meeting and the vote of the Board Members, cast by each member by name, either for or against the proposition to close the meeting, is to be entered in the regular minutes of the meeting. The regular minutes shall also include the date, time and place of the closed meeting; the names of Board 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 regular minutes. However, closed meeting minutes may be required as provided in paragraph D.

**C. Sworn Statement:** If the Board 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 (a) the character, professional competence or physical or mental health of one or more individuals; or (b) the deployment of security personnel, devices or systems.

**D. Recording and Detailed Minutes of a Closed Meeting:** If the Board closes a meeting for any purpose other than as specified in paragraph C, the closed portion of the meeting will be recorded and the recording will be safeguarded, in addition the closed meeting minutes shall be approved by the Board Member who chaired the meeting and maintained by the Agency Clerk. Separate detailed written minutes that disclose the content of the closed portion of the meeting may be prepared. Notwithstanding anything to the contrary in this Policy, in the District's GRAMA Policy or in the Government Records Access and Management Act, Utah Code Ann. 63-2-101 et. seq. ("GRAMA"), tape recordings and detailed written minutes of closed meetings are protected records to be disclosed only pursuant to a court order as provided in 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.

**E. Approval of Minutes:** Minutes are not "official" until they have formally been approved by the Board. With the exception of minutes that are "protected" as provided in paragraph D, all approved minutes of the **Agency** are public records and shall be available for review and public inspection within a reasonable time after having been approved by the Board.

## **SECTION VI. APPLICATION OF THE POLICY**

Neither this Policy nor the Act shall apply to any chance meeting or social meeting of any Board Member provided, however, that such chance meeting or social meeting shall not be used to circumvent this Policy. Similarly, with respect to **M**embers of the Board who are elected officials, any two of them may meet by themselves for any lawful purpose where no action, either formal or informal, is taken, as allowed by Utah Code Ann. 52-4-2(4)(b). Similarly, any number of Board Members not constituting a quorum may meet and may discuss Agency business. In addition, **fact-finding** committees may meet without complying with the requirements of the Act or this Policy provided that no public funds are appropriated for expenditure by any such committee and the committee is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the Board is required at that time. Otherwise, this Policy shall apply to all regular, special and emergency meetings of the Board.