



MURRAY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE Meeting Minutes

**Tuesday, February 15, 2022
Murray City Center**

5025 South State Street, Conference Room #107, Murray, Utah 84107

Attendance: Council Members and others:

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|---------------------------|-------------|
| Kat Martinez – Chair | District #1 |
| Diane Turner – Vice Chair | District #4 |
| Garry Hrechkosy | District #5 |
| Pam Cotter | District #2 |
| Rosalba Dominguez | District #3 |

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| Brett Hales | Mayor | Jennifer Kennedy | City Council Executive Director |
| Doug Hill | Chief Administrative Officer | Pattie Johnson | Council Administration |
| Tammy Kikuchi | Chief Communications Officer | Jeff Pals | Fire |
| G.L. Critchfield | City Attorney | Craig Burnett | Police Chief |
| Kim Sorensen | Parks and Recreation Director | Brooke Smith | City Recorder |
| Danny Astill | Public Works Director | John Pearson | Golf Course |
| Brenda Moore | Finance Director | Lori Edmunds | Parks and Recreation |
| Danny Hansen | IT | Susan Nixon | CED Associate Planner |
| Jared Hall | CED Division Supervisor | Rob White | IT Director |
| Residents | | | |

Conducting: Ms. Martinez called the meeting to order at 5:38 p.m.

Approval of Minutes: Committee of the Whole – January 4, 2022. Ms. Turner made a motion to approve. Ms. Cotter seconded the motion. Mr. Hrechkosy abstained. (All in favor 4-0)

Discussion Items

An ordinance amending sections 12.28.030 and 12.28.040 of the Murray Municipal Code related to golf course fees. – Mr. Sorensen noted Murray Parkway golf course fees are set by City ordinance so the proposal to raise fees would be considered during a council meeting. He reviewed the process that determined the proposed amount and explained how staff conducted a survey to compare fee amounts with other golf courses like Old Mill, River Oaks, and Meadow Brooks. The proposal has been seen by the Mayor's office and the Murray Parks and Recreation advisory board, who gave unanimous approval.

By comparison Murray fees are currently below average, and golf cart rental fees are above average. He said many golf courses plan to raise their golf cart rental fees this year due to cost increases for new golf carts, gas, batteries, and cart maintenance. By summer Murray's golf cart rental fee would end up below average. To bring the City into an average cost range, it is determined that a 12% and 15% increase is

required for playing nine and eighteen holes, and a 25% increase to the current golf cart rental rate. Ms. Dominguez asked if fee increases would help cover expenses like wages and water. Mr. Sorensen said more revenue would certainly help operation costs overall, but golf cart rental fees are not set to create a profit. Increases were set to meet inflation costs for buying golf carts, and golf cart maintenance especially since now all of Murray's carts run on electricity.

- **Legislative Update** – Ms. Dominguez said many bills came forward last week during the Utah 2022 Legislative Session. She highlighted the following:
 - House Bill 242 - Secondary Water Metering Amendments. The bill is coming with pressure from the governor's Water Administration and proposes the utilization of 2021 ARPA (American Rescue Plan Act) money to fund a more costly practice of metering pressurized secondary water sources.
 - SB (Senate Bill) 34 - Housing and Land Uses. The bill could change the way cities govern growth and provide mixed-use housing. She said the bill is coming with great push, so it is important for the City to know what it wants to look like with mixed-use developments; growth is definitely coming and there was no way to avoid including mixed-use developments as a housing option in Murray.
 - A transportation bill evolved from questions regarding SB 34 to address transportation needs. Since Murray has TRAX and Frontrunner stations the City could be forced to look at transportation hub requirements in more detail.
 - The Utah League of Cities and Towns is opposed to HB 85 – Eminent Domain Amendments. The bill removes the creation of a public park as public use for which the right of eminent domain may be exercised by a city.
 - She would email Council Members database information from the ULCT about Utah growth over the last year. With an increase in apartment rentals, condominiums and single-family home purchases, housing construction continues rapidly as Utah is experiencing the largest population jump it has ever seen. There remains an open idea that cities should still have the power to decide where apartments, condominiums and twin homes should be built.
- **Utah OPMA (Open and Public Meetings Act) Training** – Mr. Critchfield provided annual training required by the State. He discussed from start to finish how council meetings must be noticed, held publicly, and reported according to State law. Training included the conduct of Council Members in public meetings, public hearings, and forms of communication among council members and with the public whether constituents, individuals, businesses, or developers. He noted if the OPMA was violated it is possible that whatever was decided during a council meeting could be voided. (Attachment #1)
- **Harassment Training** – Mr. Critchfield reported that harassment training became a requirement for the Murray City Council last year. Training included a review of the City's Anti-Harassment Policy, a review of Article IX of the Rules of the Murray City Municipal council and a slide presentation. He said harassment training was also a good opportunity to remind council members what should take place if someone should report discrimination or harassment of any inappropriate kind. He noted that the training and council policy was specific to Murray City Council Members only. (Attachment #2)

Adjournment: 6:12 p.m.

Pattie Johnson
Council Office Administrator III

ATTACHMENT #1

OPEN AND PUBLIC MEETINGS ACT

2021 City Council Annual Training

1

- The presiding officer of the public body shall ensure that the members of the public body are provided with annual training on the requirements of this chapter.

ANNUAL TRAINING REQUIRED

2

► **52-4-102 Declaration of public policy.**

- The Legislature finds and declares that the state, its agencies and political subdivisions, exist to aid in the conduct of the people's business.
- It is the intent of the Legislature that the state, its agencies, and its political subdivisions:
 - take their actions openly; and
 - conduct their deliberations openly.

PUBLIC POLICY

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- "Openly" refers to the fact that every portion of every City Council meeting must be open to **public observation**. While many entities have a "citizen comment" period, members of the audience may not participate in the deliberations of the Council without express invitation by the Council.

ACTING AND DELIBERATING OPENLY"

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- ▶ "Meeting" means the convening of the Council, with a quorum present whether in person or by electronic means, for the purpose of **discussing, receiving comments from the public about, or acting upon a matter** over which the Council has jurisdiction.
- ▶ Chance gatherings or social gatherings are not meetings

WHAT IS A MEETING?

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- ▶ "Quorum" means a simple majority of the membership of a public body, unless otherwise defined by applicable law.
- ▶ Three City Council members

QUORUM DEFINED

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- ▶ One annual notice published of regularly scheduled meetings
- ▶ Give at least 24 hours notice of each meeting
 - ▶ Agenda, date, time and place
 - ▶ Post notice at principal office and on Utah Public Notice Website, and provide notice to media
 - ▶ The 24-Hour notice requirement may be disregarded if:
 - ▶ due to unforeseen circumstances, an emergency meeting is necessary to consider matters of an emergency or urgent nature; and
 - ▶ Council gives the best notice practicable of the time, place, and topics to be considered at the emergency meeting.

NOTIFYING THE PUBLIC

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- ▶ reasonable specificity to notify the public as to the topics to be considered at the meeting
- ▶ each topic shall be listed under an agenda item
- ▶ topic raised by the public may be discussed during an open meeting, even if not included in the agenda; but no action may be taken

AGENDA

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- ▶ Closed Meeting may be held if:
 - ▶ A quorum is present, and
 - ▶ 2/3 of the Council Members, present at the Open Meeting, vote to approve closing the meeting.

The reasons for closing a meeting, the location of the Closed Meeting, and the vote by name of each Council Member either for or against the motion to hold the closed meeting, must be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved.

CLOSED MEETINGS

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- ▶ Discussion of the character, professional competence, or physical or mental health of an individual.
- ▶ Strategy sessions to discuss pending or reasonably imminent litigation.
- ▶ Strategy sessions to discuss the purchase, exchange, or lease of real property if disclosure of the transaction would disclosure the appraisal or value of property, or prevent completion on best possible terms.
- ▶ Strategy sessions to discuss the sale of real property.
- ▶ Discussion regarding the deployment of security personnel, devices, or systems.
- ▶ Investigative proceedings regarding allegations of criminal misconduct.

REASONS TO CLOSE A MEETING

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- ▶ A closed meeting shall be recorded and may have detailed written minutes.
- ▶ Exceptions: discussion of character, professional competence or physical or mental health of an individual or the discussion regarding the deployment of security personnel, devices, or systems need not be recorded. However, in such cases, a sworn affidavit needs to be signed regarding the purpose of the closed meeting.
- ▶ Closed Meeting Minutes or the Recording are protected records under GRAMA, subject to disclosure by court order.

MINUTES OF CLOSED MEETINGS

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- ▶ Electronic Meetings With Anchor Location: Authorized if done pursuant to an adopted resolution, rule, or ordinance and is properly noticed.
- ▶ Electronic Meetings Without Anchor Location: Authorized if the chair of the City Council:
 - ▶ makes a determination that conducting the meeting in person presents a substantial risk to the health and safety of those who may be present at the meeting;
 - ▶ Includes in the public notice:
 - ▶ Statement describing Chair's determination;
 - ▶ Summary of the facts upon which Chair's determination is based; and
 - ▶ Information on how public may attend remotely/electronically.
 - ▶ Chair determination expires 30 days after the day chair makes determination.

ELECTRONIC MEETINGS

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- ▶ Disruptions of Meetings: Individuals can be removed from a public meeting if they willfully disrupt the meeting to the extent orderly conduct is seriously compromised.
- ▶ Final Actions Voidable: Any final action taken in violation of Section 52-4-201 (meeting not open but should have been), 52-4-202 (notice provisions, including closed meetings), or 52-4-207 (electronic meetings) is voidable by a court. Statute of limitations is 90 days, except challenge to approval of bonds is 30 days.
- ▶ Public Enforcement: Utah Attorney General and District Attorney may enforce chapter.
- ▶ Private Enforcement: A person denied any right under this chapter may commence suit in court to:
 - ▶ compel compliance with or enjoin violations of this chapter; or
 - ▶ determine the chapter's applicability to discussions or decisions of a public body.
- ▶ Closed Meeting Violations: Class B misdemeanor.

ENFORCEMENT

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- ▶ Transparency laws (open meetings, open records) are referred to as Sunshine Laws, meaning that the business of the public body is to be conducted "in the sunshine," or in the open, and the public may attend, observe, and scrutinize.
- ▶ Utah enacted the very first Sunshine Law in 1898, the Utah Open and Public Meetings Act.

UTAH'S HERITAGE OF TRANSPARENCY

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- ▶ When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.
- ▶ Without question, the events of September 11, 2001, left an indelible mark on our nation, but we as a people are united in the wake of the destruction to demonstrate to the world that we are a country deeply committed to preserving the rights and freedoms guaranteed by our democracy. Today, we reflect our commitment to those democratic values by ensuring that our government is held accountable to the people and that First Amendment rights are not impermissibly compromised. Open proceedings, with a vigorous and scrutinizing press, serve to ensure the durability of our democracy.
- ▶ [Detroit Free Press v. Ashcroft](#) (6th Cir., 2002)

DEMOCRACIES DIE BEHIND CLOSED DOORS

ATTACHMENT #2

CITY COUNCIL HARASSMENT TRAINING

POLICY

- To foster and maintain a work environment that is free from discrimination and intimidation. Toward this end, the City will not tolerate harassment of any kind that is made by City Councilmembers toward fellow Councilmembers, City Staff or members of the public.

Who is Covered By City Council Policy?

- Rule IX, Council Relations, Anti-Harassment Policy Applies to Councilmembers.

Harassment Defined

- Harassment is unwelcome conduct that is based on race, color, religion, sex (including pregnancy, childbirth and related medical conditions), national origin, age (40 or older), disability, genetic information, marital status, sexual orientation, honorably discharged veteran or military status or the presence of any sensory, mental or physical disability or the use of a trained dog guide or service animal by a person with a disability.

What Conduct is Harassing Conduct?

- The making of demeaning comments, whether verbally or in writing, or use of unwelcome epithets, gestures or other physical conduct, based on the protected classes.
- Harassment does not have to be of a sexual nature in order to be illegal. Offending conduct based on a victim's gender that is severe or pervasive enough to create a hostile (abusive) work environment is also illegal.

What is Sexual Harassment?

- Sexual harassment is a form of sex discrimination. EEOC guidelines define sexual harassment as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:
- Submission to such conduct is a term or condition of an individual's employment. The requirement may be stated outright or may be implicit, or implied.
- Submission to or rejection of the conduct is a basis for employment decisions
- Conduct of a sexual nature has the purpose or effect of unreasonably interfering with work performance
- Conduct of a sexual nature creates an intimidating, hostile, or offensive working environment.

Unwelcome Conduct

- Unwelcome means unwanted. Sexual conduct is unwelcome whenever the person subjected to it considers it unwelcome.

Either Gender May Harass, Either Gender May be a Victim of Harassment

- To constitute harassment, the conduct does not need to be sexually motivated. The harassment just needs to be based on a victim's gender.

Inappropriate Conduct

- What constitutes sexual harassment can vary depending on the situation and people involved.
- Examples of actions that could be sexual harassment if they happen often enough or are severe enough to make one uncomfortable, intimidated, or distracted enough to interfere with their work:
 - unwelcome sexual advances or requests for sexual favors
 - direct or indirect threats or bribes for sexual activity
 - sexual innuendos and comments, or sexually suggestive jokes may be sexual harassment in some contexts
 - unwelcome touching or brushing against a person

Inappropriate Conduct (continued)

- compliments of an employee's appearance
- commenting on the attractiveness of others in front of an employee
- asking an employee about his or her sex life
- circulating nude photos or photos of women in bikinis or shirtless men in the workplace
- sexually suggestive text messages or emails
- leaving unwanted gifts of a sexual or romantic nature
- repeated hugs or other unwanted touching (e.g., a hand on an employee's back)
- Finally, attempted or completed sexual assault would be sexual harassment

Laws that Apply

- These laws protect individuals from discrimination based upon sex.
- [Federal Law](#): Title VII of the Civil Rights Act of 1964, protects individuals from discrimination based upon sex.
- [State Law](#): Chapter 5 of title 34A of the Utah Code, known as the Utah Antidiscrimination Act.
- Council Rule IX.

Reporting Inappropriate Conduct

- If the incident involves a city employee, or an appointee to an advisory board or commission, the incident should be reported as soon as possible to the Mayor.
- If the incident involves a Councilmember, the incident should be reported as soon as possible to the City Attorney.

Investigation

- Prompt investigation
- Confidential investigation to fullest extent possible

Corrective Action

- Anyone who is found to have violated this policy is subject to corrective action. Corrective action will depend on the gravity of the offense. The City Council will take whatever action it deems necessary to prevent an offense from being repeated.

No Retaliation

- The City Council will not permit retaliation against anyone who makes a complaint or who cooperates in an investigation.