



MURRAY CITY MUNICIPAL COUNCIL COMMITTEE OF THE WHOLE

The Murray City Municipal Council met on Tuesday, February 16, 2021 for a meeting held electronically in accordance with the provisions of Utah Code 52-4-207(4), Open and Public Meeting Act, due to infectious disease COVID-19 Novel Coronavirus. Council Chair, Ms. Turner, determined that to protect the health and welfare of Murray citizens, an in-person City Council meeting, including attendance by the public and the City Council is not practical or prudent.

Council Members in Attendance:

Diane Turner – Chair	District #4
Brett Hales – Vice Chair	District #5
Kat Martinez	District #1
Dale Cox	District #2
Rosalba Dominguez	District #3

Others in Attendance:

Blair Camp	Mayor	Jennifer Kennedy	City Council Director
Jennifer Heaps	Chief Communications Officer	Pattie Johnson	City Council Office Admin
G.L. Critchfield	City Attorney	Brooke Smith	City Recorder
Doug Hill	Chief Administrative Officer	Bill Francis	The Imagination Company
Brenda Moore	Finance Director		

Ms. Turner called the meeting to order at 5:15 p.m.

Approval of Minutes – Ms. Turner asked for comments or a motion on the minutes from Committee of the Whole – January 19, 2021. Mr. Cox moved approval. Mr. Hales seconded the motion. (Approved 5-0)

Discussion Items

FY (Fiscal Year) 2020-2021 Budget Amendment – (Attachment #1) Ms. Moore reviewed all proposed modifications to amend the FY 20-21 budget that included grant funding and donations; GF (General Fund) increases, and appropriations; CIP (Capital Improvement Projects) Fund allocations from reserves; and other budget transfers. She discussed and confirmed all budget requests that were previously reviewed in detail at the mid-year budget meeting held on January 26, 2021; she noted that grant funding received did not affect the City’s current reserves in any way. She confirmed money previously cut from CIP budgets would be going back into the fund to move various projects and purchases forward.

The proposed ordinance would be considered at the March 2, 2021 council meeting during a public hearing. There were no questions or concerns from Council Members.

Open and Public Meeting Act Training – Mr. Critchfield explained the purpose of the annual training was

to review the Open and Public Meeting Act requirements that applies to all municipal governments. The training is required by State law. To view the training in full visit:

<https://youtu.be/DtI2eiCHQcc?list=PLQBSQKtwzBqLxiqGGqdVorSUzCOAEmh-2&t=723>

Mr. Critchfield reviewed the declaration of the public policy, which ensures that all actions and deliberations of the City Council are conducted openly, and held in public view, for public observation. He described the meaning of a “meeting” which is the convening of the City Council with a quorum; chance gatherings and social gatherings are not considered “meetings” unless city issues are being discussed. He reminded the Council that three Council Members together is considered a quorum.

Mr. Critchfield spoke in detail about State Law requirements for notifying the public on regularly scheduled public meetings; agenda requirements; closed meetings; and the reasoning for having a closed meeting. Training occurred about the recording and documenting of all meetings that results in written minutes for public access. He discussed procedures for holding electronic meetings; two types were noted: those with an anchor location; and those without an anchor location that include public involvement. Requirements about enforcement were outlined related to; public disruptions, voidable final actions determined by a judge; public and private enforcement; and closed meeting violations. Mr. Critchfield affirmed Utah’s heritage of transparency, as the first state to pass the Sunshine Law in 1898, which means that the business of a public body would be conducted in public, where citizens may attend, observe, or scrutinize; this was the very first Open and Public Meeting Act to be enacted.

In closing, he shared a statement written by a deceased federal judge who presided over Ohio, Michigan, Kentucky, and Tennessee that said: *“When government begins closing doors, it selectively controls information rightfully belonging to the people. Selective information is misinformation.”* Mr. Critchfield said the quote held an important focus to remember, which was that just because public information comes only to the Council - because they are public servants – public information actually and rightfully belongs to the people. He pointed out that democracies die behind closed doors.

Mr. Hales noted whether Council Members can or cannot discuss with citizens their citizen comments during the public comment segment of a council meeting - if comments did not pertain to the current agenda. Mr. Critchfield clarified the rule is that Council Members are only allowed to discuss items on the agenda. There is the exception that if a citizen brings up something not on the agenda, Council Members are allowed to discuss concerns - only at the discretion of the presiding chairperson. He advised it was not a great practice to respond to every citizen comment; and occasionally they may want to engage, but during this time of conversation decisions cannot be made about issues.

Mr. Hales asked whether the opening statement must be read – indicating that there was no anchor location - when in actuality the anchor location was split; he pointed out that currently some Council Members were utilizing Zoom to attend and others were in-person at city hall, which was an anchor location. Mr. Critchfield explained the chambers was not to be considered an anchor location because the public was still not able to attend in-person, due to the pandemic. An anchor location includes a quorum combined with the ability to accommodate the public in-person. There were no questions from Council Members.

Harassment Training – Mr. Critchfield shared a power point to conduct the training; he noted Article IV, Sections A and B of the Murray Municipal Council Rules for reference; and utilized the City’s Anti-Harassment Policy to discuss the topic; to watch the entire presentation visit:

<https://youtu.be/DtI2eiCHQcc?list=PLQBSQKtwzBqLxiqGGqdVorSUzCOAEmh-2&t=1369>

Mr. Critchfield discussed how someone should report discriminatory behavior and harassment; and pointed out rule nine in the Council Rules to establish that the City would foster and maintain a work environment that is free from discrimination and intimidation; which is also applicable to the City Council. He reviewed how harassment is properly defined, and what harassing conduct looks like more specifically. Training about sexual harassment; unwelcomed conduct, and the victimization of either gender was discussed comparatively. Examples of inappropriate conduct were listed; Federal and State Laws were noted that protect individuals from discrimination based upon sex. Important steps were noted about reporting inappropriate conduct, and the process to document and investigate harassment cases promptly. Corrective action: and the ramifications of having no retaliation against anyone who makes a complaint or cooperates in an investigation was covered. Council Members had no questions or comments following the training.

Legislative Updates – (Attachment #2 and #3) Ms. Martinez expressed appreciation for Mayor Camp's Intern, Mr. Daily who provided a summary sheet of the 2021 Legislative Session (Week 4: February 8-12, 2021) that she shared with the Council. She discussed House and Senate bills impacting Murray City; discussed legislation noted by the Utah League of Cities and Towns important to cities. She identified whether bills were supported or opposed by each entity and provided the current status of others.

Mr. Critchfield added insight to provide more clarity about the following bills:

- HB-0076 - Firearms Preemption Amendments. He explained a city cannot pass a law contradicting State Law; and since a couple of entities had existing contradictory policies related to firearms, the bill was created to clarify that cities cannot go against State Law.
- HB-0082 - Single-Family Housing Modifications - (An ADU (Accessory Dwelling Unit) issue.) Ms. Martinez noted the bill was opposed by the ULCT that proposes cities cannot regulate or restrict ADUs in certain ways. Mr. Critchfield confirmed negotiations are still underway; and led a discussion to explain Murray passed an ADU ordinance years ago that requires the home must be occupied by the owner; there must be two additional off-street parking spaces; and ADUs are confined to a limited number of square feet. In an effort to provide more housing in Utah ADU's became a priority this year. As a result, the State now proposes to lift restrictions that cities have put in place; he believed legislation could change Murray's parking requirement to providing only one parking space instead of two. He said the City may not agree with proposed legislation when it comes to housing, but their goal is to make it more affordable for people to live in Salt Lake City.
- SB0013 - Law Enforcement and Internal Investigation Requirements. Mr. Critchfield reported that currently, if there is an internal affairs investigation and a person resigns before the investigation is complete, the case is considered over. The bill is intended that an officer who has a problem, cannot move on to the next jurisdiction; the record would follow the officer even if the investigation is not finished. Ms. Turner affirmed investigative records currently do not follow police officers.

Council Members had no further discussion.

Ms. Martinez reported her good conversations with several senators; she said with the continued 2021 Legislative Session, she would provide another update at the next council meeting.

Announcements: Ms. Kennedy announced a ribbon cutting event for the re-branding of the Murray Area Chamber of Commerce - Thursday February 25, 2021 at 11:30 a.m.

Adjournment: 6:00 p.m.

Pattie Johnson
Council Office Administrator II