

**CACHE MOSQUITO ABATEMENT DISTRICT
POLICIES AND PROCEDURES
OPEN AND PUBLIC MEETINGS**

SECTION I. BACKGROUND

- A. **Policy:** This shall be known as the Cache Mosquito Abatement District (the “District”) Board of Trustees Meeting Policy (the “Policy”).
- B. **Purpose:** The Policy establishes guidelines for meetings of the District Board of Trustees, 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 this Policy, the District recognizes the application of the Open and Public Meetings Act, Utah Code Annotated §§52-4-1 *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 Annotated §§ 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 District Board of Trustees 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 Board, with notice of the rescheduled meeting to be provided as stated in paragraph D. A copy of the annual meeting schedule shall be posted at the District office, or if no such office exists, at the building where the meetings are to be held, be available for public inspection, and be provided to a newspaper of general circulation in Cache County or to a local media correspondent.
- B. **Special and Emergency Meetings:** The Board shall hold such special and emergency meetings as desired by the Board, provided that notice of all such meetings is given as provided in paragraph D. A special or an emergency meeting of the Board may be convened at the request of any Board Member.

- C. **Agenda:** An agenda shall be prepared for every meeting of the Board. Regular Board meeting agendas may include a “public comments,” 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. Any interested party may ask any Board Member or the person responsible for the agenda to include a particular subject on an agenda which subject may, at the discretion of the Board Member or other person who is responsible for the agenda, be so included. Each agenda shall include subjects as requested by any Board Member. Items not appearing on the agenda may nevertheless be discussed, in 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 District shall give not less than twenty-four (24) hours advance public notice of the agenda, including the date and place of each regular and special meeting of the Board, by posting a written notice at the principal office of the District, or if no such office exists, at the building where the meeting is to be held and providing notice to at least one newspaper of general circulation in Cache County or to a local media correspondent, which notice 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. No emergency meeting of the Board may be held, however, unless a good faith attempt has been made to notify all of the members of the Board and a majority of the Board consents or agrees to hold the meeting. These notice requirements are minimum requirements and shall not be construed as precluding such additional postings and notifications as may be directed by the Board. If any Member of the Board will participate in the meeting through electronic means, the notice requirements of *Utah Code Annotated* § 52-4-7.8(3) must be satisfied.
- 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, provided that the amended notice is posted at the District’s principal office, or if no such office exists, at the building where the meeting is to be held and provided to a newspaper or local media correspondent 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 membership 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 Annotated § 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 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 shall be conducted by the Chair, if present, by the Vice-Chair in the absence of the Chair, or by any Board Member selected for that purpose by majority vote of the Board Members present when neither the Chair nor the Vice-Chair is present. The Board Member chairing the meeting may relinquish the Chair to any other Board Member, 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. An abbreviated form of Robert's Rules of Order as determined by the presiding officer will be followed for motions, second to a motion, amendment to a motion, discussion, continuances, and resolutions.
- C. Expulsion from a Meeting:** 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.
- D. Closed Meetings:** Except as otherwise provided in this paragraph, all meetings of the District Board are to be open to the public and all decisions must be made in public. A meeting, or a portion of the meeting, may be closed to the public upon the affirmative vote of two-thirds of the Board Members present at the meeting. A meeting may be closed for any of the reasons specified in Utah Code Annotated § 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 and in some circumstances water rights and shares 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.
 5. A discussion regarding the deployment of security personnel, devices, or systems.
 6. Investigative proceedings regarding allegations of criminal misconduct.

- E. Conduct of a Closed Meeting:** The Board Members may not interview a person applying to fill an elected position and may not approve any resolution, rule, regulation, contract or appointment during the 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.
- F. Recording of Meetings:** The District will make an audio record of all meetings. 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.
- G. Electronic meetings.** A Board meeting may be convened and conducted by means of telephonic, telecommunications, or computer conference by satisfying the requirements of *Utah Code annotated 52-4-207*.
1. **Participation:** The primary purpose for holding electronic meetings is to enable members of the Board to participate in the meeting electronically. A member of the public may monitor an open meeting through electronic means provided that the member of the public so requests in writing at least three days prior to the meeting and further provided that the District will not be required to acquire any equipment, facilities, or expertise which the District does not already possess in order to accommodate the request.
 2. **Anchor Location:** One or more anchor locations must be established for all electronic meetings. The anchor location is the physical location from which the electronic meeting originates or from which the participants are connected. At least one anchor location must be in the building where the Board would normally meet if not holding an electronic meeting. A quorum of the Board need not be present at a single anchor location for an electronic meeting to be held. The Board member who chairs the meeting must be physically present at the anchor location. 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. If the meeting is a public hearing, space and facilities must be provided at the anchor location(s) so that the public may attend, monitor, and participate in the hearing.
 3. **Notice:** Not less than 24 hours advance public notice, including the agenda, date, time, location, and a description of how the Board Members will be connected to the electronic meeting, will be given for each electronic meeting of the Board. A written notice must be posted at the principal office of the District or at the building where the meeting is to be held. Written or electronic notice must be provided to at least one newspaper of general circulation in the District and to a local media correspondent and by posting the notice on the Utah Public Notice Website (*Utah Code Annotated 63F-1-701*). Notice must be provided to all Board Members at least 24 hours before the meeting.

4. Budget or Logistical Considerations: The Chair, or the Vice-Chair in the absence of the Chair, may determine, based upon budget or logistical considerations, that it is not in the best interest of the District to hold an electronic meeting. The Chair, or the Vice-Chair in the absence of the Chair, may also restrict the number of separate electronic connections that are allowed for an electronic meeting based on available equipment capacity. The request from a member of the public to participate in a meeting electronically may be denied by the Chair, or the Vice-Chair in the absence of the Chair, based on budget, public policy, or logistical considerations.
5. Conduct of Meeting: No action may be taken and no business may be conducted at a meeting 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. 52-4-207*. Any Board Member participating via electronic means may make, second, and vote on all motions and participate in the discussion as though present. If neither the Chair nor the Vice-Chair is physically present at the anchor location (but there is still a quorum), a Board Member who is physically present at the anchor location will preside over the meeting.

SECTION V. MINUTES

- A. **Open Meetings**: All open meetings will be recorded in addition to written records being kept. Draft minutes shall be prepared by the Clerk or the person designated by the Board. The written and audio records are to include the date, time and place of the meeting; the names of Board Members present and absent; the substance of all matters 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 substance in brief of their testimony; and any other information that any Board Member requests be entered in the minutes. The written minutes, once approved and accepted by the Board, are the official record of the meeting.
- 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 into the minutes of the meeting. The minutes shall also include the date, time and place of the meeting; the names of Board Members present and absent; 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 minutes, except as otherwise 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

Amended April 24, 2008	<u>/s/ Perry Spackman, chair</u>	<u>/s/ Terrie Wierenga, clerk</u>
Amended October 22, 2009	<u>/s/ Perry Spackman, chair</u>	<u>/s/ Terrie Wierenga, clerk</u>
Amended January 24, 2013	<u>/s/ Elaine Nelson, chair</u>	<u>/s/ Terrie Wierenga, clerk</u>
Amended February 25, 2015	<u>/s/ Elaine Nelson</u> Chairman	<u>/s / Terrie Wierenga</u> Administrative Manager

CLOSED MEETING AFFIDAVIT

STATE OF UTAH

COUNTY OF CACHE

Having first been duly sworn, comes now _____, who deposes, states and affirms as follows:

- 1. I am a duly elected or appointed member of the Board of Cache Mosquito Abatement District (the "District").
- 2. A meeting of the District Board was duly held on _____.
- 3. I presided over that meeting.
- 4. During the course of the meeting, upon the affirmative vote of at least two-thirds of the Board Members present, a quorum being present, the meeting was closed for the sole purpose of discussing: [Please check the appropriate box or boxes]
 - the character, professional competence or physical or mental health of an individual; or
 - the deployment of security personnel, devices or systems

Further Affiant sayeth naught.

Signature

SUBSCRIBED and SWORN to before me this _____ day of _____.

NOTARY PUBLIC
Residing at:

My commission expires: