



**PARK CITY BOARD OF ADJUSTMENT MEETING
SUMMIT COUNTY, UTAH
December 15, 2020**

PUBLIC NOTICE IS HEREBY GIVEN that the Board Of Adjustment of Park City, Utah will hold its Board of Adjustment Meeting at the Virtual for the purposes and at the times as described below on Tuesday, December 15, 2020.

NOTICE OF ELECTRONIC MEETING AND HOW TO COMMENT VIRTUALLY:

This meeting will be an electronic meeting without an anchor location as permitted by Utah Code Open and Public Meetings Act section 52-4-207(4) as amended June 18, 2020, and Park City Resolution 18-2020, adopted March 19, 2020. The written determination of a substantial health and safety risk, required by Utah Code section 52-4-207(4) is attached as Exhibit A. Board of Adjustment members will connect electronically. Public comments will be accepted virtually as described below.

To comment virtually, raise your hand on Zoom. Written comments submitted before or during the meeting will be entered into the public record, but not read aloud. For more information on participating virtually and to listen live, please go to www.parkcity.org/public-meetings.

Exhibit A: Determination of Substantial Health and Safety Risk

December 15, 2020 the Board Chairperson determined that conducting a meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location.

Utah Code section 52-4-207(4) requires this determination and the facts upon which it is based, which include: • Governor Herbert declared a COVID-19 State of Emergency on November 8, 2020. • Summit County has extended its Emergency Declaration and Public Health Emergency Declaration through January 8, 2021. • Statewide COVID cases and hospitalizations are increasing exponentially.

This determination is valid for 30 days, and is set to expire on January 15, 2021.

Dated: December 15, 2020

MEETING CALLED TO ORDER AT 6:00 PM.

1.ROLL CALL

2.STAFF AND BOARD COMMUNICATIONS AND DISCLOSURES

WORK SESSION

3.ADJOURN

Pursuant to the Americans with Disabilities Act, individuals needing special accommodations during the meeting should notify the Planning Department at 435-615-5060 or planning@parkcity.org at least 24 hours prior to the meeting.

***Parking validations will be provided for meeting attendees that park in the China Bridge parking structure.**

An aerial photograph of a mountain town, likely Park City, Utah, covered in a thick layer of snow. The town is nestled in a valley, with snow-covered mountains rising in the background. The houses and buildings are densely packed, and their roofs are covered in snow. The overall scene is serene and wintry.

Annual Training

Open and Public Meetings Act

OPMA

MEETINGS of a **PUBLIC BODY**
are open to the public, unless an
EXCEPTION is available under
the Act that allows the meeting to
be **CLOSED**

—SPIRIT OF THE ACT—

- Act **Openly**
- Make Decisions **Openly**
- Deliberate **Openly** (the hardest part)
- Conduct the People's Business **Openly**

Openly = In Public



Citizens are entitled to **know what** government decides, AND **observe how and why** every decision is reached.



MEETINGS

THE BASICS

MEETINGS

- Convening of
- At least a quorum
- To discuss, receive comments, or act on a matter over which the Council has jurisdiction.

QUORUM

- A simple majority of the voting members of a public body.

MEETINGS INCLUDE

- Electronic meetings
- Retreats
- Workshops
- Field Trips

MEETINGS DO NOT INCLUDE

- When no quorum is present
- Social meetings
- Chance meetings



— MEETINGS —

“PUBLIC BODY” INCLUDES:

- Any local administrative, advisory, executive, or legislative body which:
- Consists of two or more persons;
- Spends, distributes, or is supported by tax money;
- Authority to make decisions about the public’s business (this includes advisory boards or groups).



— MEETINGS —

Social Events and “Meeting after the Meeting”:

OK if just social, but can’t discuss or act on matters under their official jurisdiction. Don’t use the after-meeting to rehash the meeting.

Conference Call or Video Chat:

It is a meeting if a quorum is involved.

Note: emails regarding City business are subject subject to GRAMA and OPMA.



— NOTICE —

MUST BE

- Given at least **24 hours** before the meeting.
- **Published** on the Utah Public Notice Website; and **Posted** at City Hall.

AND MUST INCLUDE

- Date & Time
- Place
- Agenda
 - Agenda must be **specific** enough for public to know what will be discussed.

Regular Annual Meetings Requirement:
Public bodies which hold regular meetings over the course of a year must give notice of its annual schedule every year.



LOCATION

The Rule: On the day of the regularly scheduled meeting, any work sessions or closed sessions must be held at the regular meeting location, unless:

- The regularly scheduled meeting is being held elsewhere;
- There is an emergency or other extraordinary circumstances;
- The meeting is being held electronically; or
- There is a site visit or traveling tour.

Notice: Must provide public notice of the location.



ELECTRONIC MEETINGS

Electronic Meeting: A public meeting convened or conducted by means of a conference using electronic communications.

Who can conduct electronic meetings?

- **City Council:** With all members physically present at one anchor location or, where a local, state, or national emergency is in effect, electronically without the single anchor location.
- **Other public bodies:** A Park City municipal public body may use electronic meetings in accordance with City Code and Utah Code, when a local emergency is declared by Park City or Summit County, for the duration of a local emergency.

Authority:

- Executive Order 2020-72
- Executive Order 2020-74
- Park City Resolution 05-2020

How ?

Conducted in a manner which allows the public to hear, or view and hear, the meeting.

- Zoom
- Conference Call
- Microsoft Teams
- Skype



ELECTRONIC MEETINGS

A public body may convene and conduct an electronic meeting without an anchor location if the chair:

- (a) makes a written determination that conducting the meeting with an anchor location presents a substantial risk to the health and safety of those who may be present at the anchor location;
- (b) states in the written determination the facts upon which the determination is based;
- (c) includes in the public notice for the meeting, and reads at the beginning of the meeting the determination including the facts upon which the determination is based; and
- (d) includes in the public notice information on how a member of the public may view or make a comment at the meeting.

Based on your experiences with electronic meetings, you may adopt rules regarding how such meetings are conducted (i.e. require video connection, etc.).



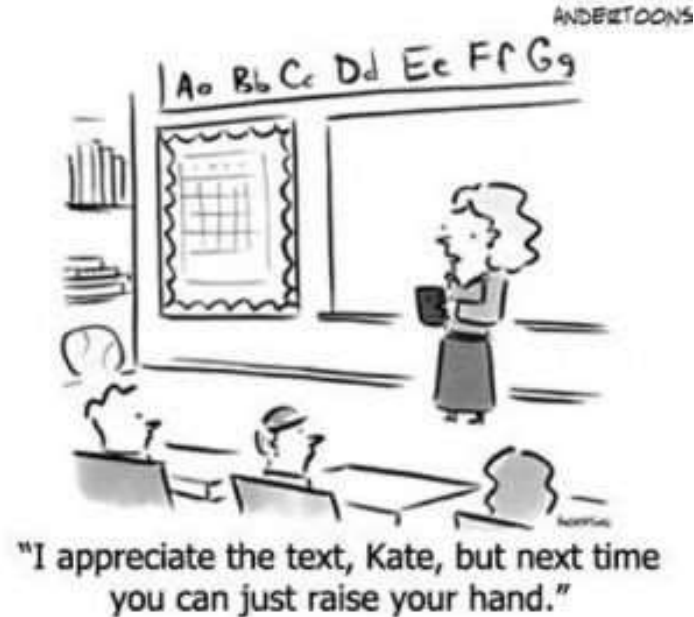
ELECTRONIC MEETINGS

Additional Issues:

“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.**”

If the public cannot see the communication or hear it, it likely violates the Spirit of the Act.

- Text messaging,
- Chat functions,
- Emails,
- Electronic messages.



EMERGENCY MEETINGS

Notice: Must give best notice practicable as to the time and place of the emergency meeting and the topics to be considered. Must attempt to notify all members of the body.

Convening: Majority of the body must agree to hold the meeting because of an “emergency or urgent matter.”

Minutes: Should include a statement of the unforeseen circumstances that made the meeting necessary.



—PUBLIC COMMENT—

Public must be allowed to come and watch, but there is **no requirement to allow them to comment.**

Public hearings DO require an opportunity for public comment.

Disruptions of meetings does not have to be tolerated.

OK to keep people on point.

Public's time belongs to everyone, not just the individual who is speaking.

Topics **not** on the agenda can be raised by the public and discussed, as long as **no final action** is taken.

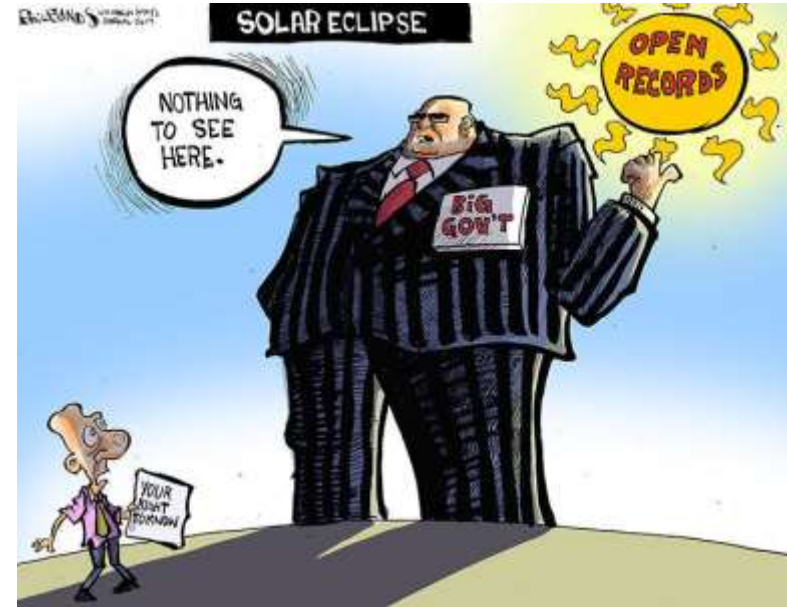


Minutes

Required for all public meetings except site visits.

Minutes: The official record of the meeting must be:

- approved by the body;
- draft minutes must be publically available within 30 days;
 - May publically release before approval, if marked “unapproved;”
- Must include:
 - Substance of all matters proposed, discussed, or decided;
 - Names people commenting and substance of comments;
 - Individual votes.



Recordings

Required for all public meetings, except for site visits.

Recordings Must Be:

- unedited
- of entire meeting
- clearly labeled
- available to the public within **three** business days

Public has **right to record** meeting, if they can do so without disrupting.



CLOSED MEETINGS

PROCEDURES

- There must be an **Open Meeting** with a **Quorum**
- **2/3 of the members of the body** must be Present and **Approve** the Closing
- Publicly **Announce** and **Enter Into the Minutes**:
 - Reason for closing the meeting
 - Location of the closed meeting
 - Vote by name aka rollcall vote



CLOSED MEETINGS

A meeting may be **closed** only to discuss **specified topics**:

- Discussion of an individual's character, professional competence, or physical or mental health.*
- Strategy to discuss pending or reasonably **imminent litigation**.
 - Must be specific, not an open-ended threat.
- Strategy to discuss the purchase, exchange, lease, or sale of **real property or water rights** if public discussion would: (a) disclose the appraisal or estimated value of the property under consideration; or (b) prevent the public body from completing the transaction on the best possible terms.
 - If selling, must give public notice that property is being offered for sale, and terms of sale must be publicly disclosed before sale is approved.
- Discussions regarding security personnel, devices, or systems.*
- Investigative proceedings regarding **allegations of criminal misconduct**.

*Does not require recording.



VIOLATIONS

What happens if someone breaks the open-meetings laws?

A member of a public body who knowingly or intentionally violates OR who knowingly or intentionally abets or advises a violation of any of the closed meeting provisions of this chapter is guilty of a **class B misdemeanor**.

Action taken in the meeting is voidable if the body violated the Act.

Who can enforce the law?

- Attorney General
- A county attorney
- A private citizen who has been denied rights under the law may file a lawsuit within 90 days, or within 30 days if it involves bonds, notes, or debt.



Questions?

Thank you!

