

# Trustee Training

## Special Service Districts



# Outline

- Governing Board Responsibilities
  - Ethics
  - Nepotism
- Meetings
  - Minutes
  - Agendas
- GRAMA
- Insurance
- Contact Information



# Management Responsibilities

- Effectiveness
- Efficiency
- Compliance
- Reporting



# Effectiveness

How well does management achieve their objectives or purpose?



# Efficiency

Does management make optimal use of the resources placed under their control?

- Legitimate and Conflicting Demands
- Scarce Resources



# Compliance

Does management  
comply with applicable  
policy, law, or  
regulation?  
(Particularly important  
in government  
environment.)



# Reporting

Does management prepare regular financial reports made available to those who pay the tax or fee used to operate the entity?



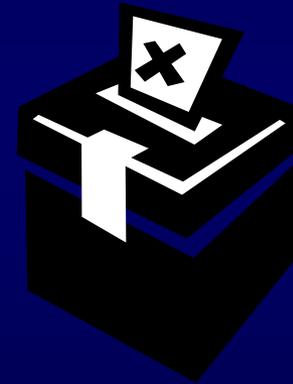
# Board Composition

- Vacancies should be filled promptly and boards should consist of:
  - at least three members and
  - an odd number.
- Boards members typically serve four year terms.



# Appointment / Election

- Procedures vary
- Vacancies should be advertised
- Interested citizens should have opportunity to be considered



# Board Member Compensation

- Determined by Board
- May not exceed \$5,000 annually
- Annual limit does not include reimbursements.



# Qualification

- Board members may not be full or part time district employees.
- Board members may not contract with the district to provide services.
- There is an exemption for rural areas.



# Qualification

- Board members must be a registered voter and resident within the boundaries of the district.
- Exemption for areas with seasonally occupied homes and some rural areas.



# Ethics – *Utah Code 52-3*

- Cannot accept or solicit:
  - Gifts
  - Compensation
  - Loans
- Conflicts of Interest require full disclosure



# Nepotism

- Public officer may not employ, appoint, vote for, or recommend a relative for employment.
- Public officer may not directly supervise a relative.



# Relative Defined

- Father, Mother
- Husband, Wife
- Son, Daughter
- Sister, Brother
- Aunt, Uncle
- Nephew, Niece
- First Cousin
- Mother-in-law, Father-in-law
- Brother-in-law, Sister-in-law
- Son-in-law, Daughter-in-law



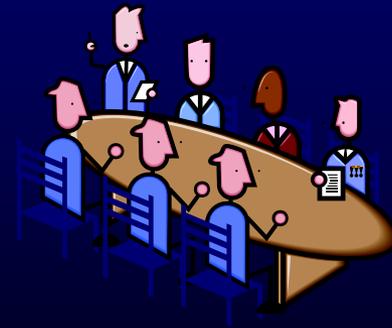
# Meetings – *Utah Code 52-4*

- Open meeting – defined
- Includes:
  - Workshops
  - Executive Sessions
- Does not include:
  - Chance Meetings
  - Social Meetings



# Public Hearing

- A portion of an open meeting at which members of the public are provided reasonable opportunity to comment on the subject of the hearing.



# Emergency Meetings

- Meeting called to discuss an urgent matter due to unforeseen circumstances.
  - Give the best notice practicable of the time, place and topics to be considered.
  - Attempt to contact all board members.
  - A majority of the board members must approve the meeting.



# Closed Meetings

- The character, competence or health of an individual
- Deployment of security personnel, devices or systems.
- Collective bargaining issues.
- Pending or reasonably imminent litigation.



# Closed Meetings (Continued)

- Purchase, exchange, lease, or sale of real property, if such discussion prevents the district from completing a transaction on the best possible terms.
- Investigative proceedings regarding allegations of criminal misconduct.
- Discussion of trade secrets or other information that may not be disclosed under 63G-6a.



# Closed Meeting

- Two-thirds vote of board members present at public meeting required.
- No board action may be taken in closed meeting.



# Meeting Minutes

Written minutes and an audio recording required except for the following where either written or audio minutes are allowed:

- During a site visit or traveling tour where no vote or action is taken.
- District where annual expenditures are \$50,000 or less.



# Meeting Minutes

- Open meeting minutes are public records.
- Minutes kept only by recording must be converted to written minutes.
- Approved written minutes are evidence of official action taken.
- Closed meeting minutes are protected records.



# Meeting Notice Requirements

- Regular meetings – give notice of meeting schedule once per year.
- No regular meetings – give 24 hours public notice
- Meeting Agendas -- 24 hours notice.



# Notice Requirements – Public Hearing vs. Public Meeting

Requirement	Regular Meeting	Public Hearing
Media	<p>Must <u>notify</u> at least one newspaper of general circulation within the district's boundaries, or a local media correspondent. The district does not need to pay for this notice if the newspaper chooses not to publish the notice.</p>	<p>Must <u>publish</u> notice in at least one issue of a newspaper of general circulation in which the district is located. If the newspaper requires payment to publish the notice, then the district must pay the fee. If a newspaper of general circulation is not available, then post written notice in three public places within the district.</p>

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# Notice Requirements – Public Hearing vs. Public Meeting

Requirement	Regular Meeting	Public Hearing
Posting	Post written notice at the principal office of the public body, or if no such office exists, at the building where the meeting is to be held.	<p><b>(Same as Regular Meeting)</b></p> <p>Post written notice at the principal office of the public body, or if no such office exists, at the building where the meeting is to be held.</p>



# Notice Requirements – Public Hearing vs. Public Meeting

Requirement	Regular Meeting	Public Hearing
Number of Days	At least 24 hours before meeting	At least seven days prior to the hearing.



# Utah Public Notice Web-Site

- Notice of meetings and agendas must be posted on the Web-Site.
- This is in addition to all other notice requirements.

[pmn.utah.gov](http://pmn.utah.gov)



GRAMA



# Two Constitutional Rights

- The public's right to access information concerning the conduct of the public's business.
- The right of privacy in relation to personal data gathered by governmental entities.



# Classifications

GRAMA establishes five classifications

- Public
- Private
- Controlled
- Protected
- Exempt

UCA 63G-2-201(1)(2)(3)



# Public Records

A record is presumed public unless otherwise expressly provided by statute.

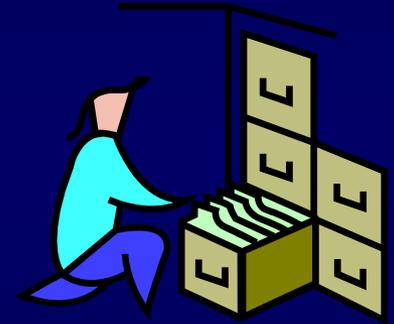


UCA 63G-2-201(2)



# Public Records

- Minutes from open meetings
- Compensation paid to a contractor
- Names, gender and gross compensation paid to public employees.
- Records relating to formal charges or disciplinary actions of a government employee.



# Private Records

- Information about individuals that may only be accessed by those individuals and others specified in UCA 63-2-202.
  - Unemployment insurance, social services and welfare benefits.
  - Medical history, diagnosis, condition, treatment, evaluation (medical records).
  - Public employees home address, home telephone number, social security number, marital status.



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# Controlled Records

- Records that may only be released to certain individuals such as social workers and health care providers and may not be disclosed to the individual to whom they pertain.
  - Medical, psychiatric, or psychological data
  - Information detrimental to the subject's mental health or to the safety of any individual.



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# Protected

- Non-personal data that may only be released to the person who submitted the information.
  - Trade secrets
  - Test questions and answers
  - Records that would jeopardize the life or safety of an individual
  - Records that would jeopardize the security of a correctional facility



# Record Retention

<b>Record</b>	<b>Classification</b>	<b>Retention</b>
Meeting Minutes	Public	Permanent
Meeting Agenda	Public	2 Years
Annual Financial Reports	Public	Permanent
Budgets	Public	Permanent
Bank Statements	Public	4 Years
General Ledger	Public	10 Years



# Record Retention

<b>Record</b>	<b>Classification</b>	<b>Retention</b>
Timesheets	Public	3 Years
A/R & A/P	Public	4 Years
Deposit Slips	Public	4 Years
Check Register	Public	7 Years
Receipt Books	Public	3 Years
Fixed Asset Lists	Public	10 Years



# Record Retention

- How to handle record requests?
  - <http://archives.utah.gov/recordsmanagement/forms/forms.html>
- How long to keep records?
  - <http://archives.utah.gov/recordsmanagement/retention-schedule-menu.html>



# GRAMA Request

- Make policies within your office about who handles these requests.
- Make sure everyone in your office knows who handles requests.



# Penalty

- Class B Misdemeanor
  - Intentionally Improperly Disclose
  - Intentionally Refuse to Release
- Possible civil fine of up to \$500 for each day of continued noncompliance



# Insurance

- Public treasurers bond.
- Broad definition – A “Public Treasurer” includes ... the official of any...political subdivision, or other public body who has the responsibility for the safekeeping and investment of any public funds.”



# Public Treasurer Bond

Budget	Percent For Bond	Minimum Bond
0 to 10,000	N/A	0
10,001 to 100,000	9% but not less than	5,000
100,001 to 500,000	8% but not less than	9,000
500,001 to 1,000,000	7% but not less than	40,000
1,000,001 to 5,000,000	6% but not less than	70,000
5,000,001 to 10,000,000	5% but not less than	300,000
10,000,001 to 25,000,000	4% but not less than	500,000
25,000,001 to 50,000,000	3% but not less than	1,000,000
50,000,001 to 500,000,000	2% but not less than	1,500,000
over 500,000,000		10,000,000



# Other Insurance

- Consider other areas.
- The law stipulates districts over \$50,000 to obtain liability insurance as considered appropriate by the board.



# Utah Local Government Trust

## The Utah Local Governments Trust

- Salt Lake City – (801) 936-6400.
- Toll-free – 1-800-748-4440.



# Questions

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