

COTTONWOOD HEIGHTS

RESOLUTION No. 2024-03

A RESOLUTION ADOPTING AMENDED AND RESTATED INTERNAL POLICIES FOR THE COTTONWOOD HEIGHTS CITY COUNCIL

WHEREAS, section 2.30.190 of the COTTONWOOD HEIGHTS CODE OF ORDINANCES (the “*Code*”) authorizes the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) to adopt written policies concerning such matters as the Council deems advisable to structure or facilitate the Council’s internal administration and operation; and

WHEREAS, pursuant to its (a) Resolution 2012-08 enacted on 13 March 2012 the Council adopted written internal policies for the Council, and (b) Resolutions 2017-65 enacted on 12 December 2017 and 2023-08 enacted on 7 February 2023 the Council adopted amended and restated internal policies for the Council; and

WHEREAS, the Council met in a regular meeting on 2 January 2024 to consider, among other things, approving and adopting newly amended and restated internal policies in the form that is attached hereto (the “*Policies*”); and

WHEREAS, after careful consideration, the Council has determined that it is in the best interests of the health, safety and welfare of the citizens of the City to approve and adopt the attached Policies for the Council, subject to future amendment or rescission;

NOW THEREFORE, BE IT RESOLVED by the Cottonwood Heights city council that the attached Policies be, and hereby are, approved and adopted for the Council, subject to future amendment or rescission.

This Resolution, assigned no. 2024-03, shall take effect immediately upon passage.

PASSED AND APPROVED this 2nd day of January 2024.

ATTEST:

By:  **Paula Melgar**, Recorder  **Michael T. Weichers**, Mayor

COTTONWOOD HEIGHTS CITY COUNCIL

By:

Michael T. Weichers, Mayor

VOTING:



Michael T. Weichers
Matt Holton
Suzanne Hyland
Shawn E. Newell
Ellen Birrell

Yea Nay
Yea Nay
Yea Nay
Yea Nay
Yea Nay

DEPOSITED in the office of the City Recorder this 2nd day of January 2024.

RECORDED this 4 day of January 2024.

1 January 2012

(Amended 2 January ~~7 February~~ 2024)

COTTONWOOD HEIGHTS

CITY COUNCIL—INTERNAL POLICIES

Pursuant to section 2.30.190, COTTONWOOD HEIGHTS CODE OF ORDINANCES (the “*Code*”), the following policies have been adopted by the city council (the “*Council*”) of the city of Cottonwood Heights (the “*City*”) concerning matters that the Council deems advisable to structure or facilitate the Council’s internal administration and operation. In the event of any conflict or inconsistency between the Code and these policies, the Code shall control.

POLICY #1- ELECTED OFFICIAL REIMBURSABLE EXPENSES

1.1 GENERAL POLICY

It is the Council’s general policy to reimburse members of the Council (“*Council members*”) for their reasonable expenses incurred in the course of their service as elected officials of the City. Such reimbursement may be paid from the City’s petty cash or as a separate check, as determined by the City’s Finance Director or other designee (the “*Director*”) of the City’s Manager (the “*Manager*”), upon presentation of appropriate documentation. Alternatively, Council members may be paid a monthly stipend to cover such expenses in an amount determined by the Council from time to time.

1.2 GENERAL TRAVEL; TRAINING AND CONFERENCES

If the Council determines that it is in the City’s best interest for one or more Council members to attend seminars, conferences, briefings or to otherwise obtain training or to gather information, including in connection with a Council member’s assignment(s) to “outside” or “inside” committees (collectively, “*conferences, etc.*”), the attending Council member will be reimbursed for the related expenses according to the following policy. As used herein, “appropriate documentation” means such documentation as the Director reasonably may require to substantiate the amount, payment, etc. of the subject expenditure.

(1) All registration fees for conferences, etc. should be paid in advance directly by the City. If this is not possible, charges will be reimbursed for the actual amount paid (including applicable taxes and additional fees) upon presentation to the Director of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(2) Air fares for conferences, etc. will be reimbursed for the actual amount paid (including applicable taxes and airport imposed fees) upon presentation of appropriate documentation establishing such expenditure; provided that travel shall be by economy class

unless otherwise approved. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(3) Hotel expenses (excluding any personal items or services reasonably purchased through the room charges) for conferences, etc. will be reimbursed for the actual charges (including applicable taxes and hotel imposed fees) at the lesser of the then-applicable General Services Administration (GSA) rate for the city where the event is being held or the rate that is offered to conference participants to stay at the host hotel upon presentation of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(4) Rental cars, rented for use during conferences, etc. should be paid in advance directly by the City. If this is not possible, charges will be reimbursed for the actual amount paid (including applicable taxes and additional fees) upon presentation of appropriate documentation establishing such expenditure. In lieu of reimbursement, an authorized City credit card may be used to pay the charges.

(5) Because the City's mayor ("*Mayor*") and Council members represent the City on many county- and state-level committees and functions, they are required to use their personal vehicles for city business-related travel and will be compensated for such travel expense through monthly stipends of \$400 for the Mayor and \$200 for each Council member. Such stipend is in lieu of any mileage reimbursement allowed by the IRS.

(6) A daily per diem reimbursement will be provided, based on applicable IRS rates as determined by the Director, to cover the cost of meals and other incidental expenses when a Council member travels more than a one hundred miles roundtrip and includes at least one overnight stay. Per diem reimbursement forms are available from the Finance Department.

(7) Requests for reimbursement shall be on a City-provided form, signed and certified by the requestor. Requests should be submitted within 30 days after the expense is incurred. Without the Council's express consent, requests for reimbursement may not be submitted later than 30 days after the end of the City fiscal year in which such expense was incurred.

(8) Additional costs for travel, lodging, meals or other travel-related expenses for spouses or other family members will not be reimbursed. In cases in which vacation time is added to a business trip, any cost variance in airfare, car rental or lodging must be clearly identified on the travel request form. The City will not prepay any personal expenses with the intention of being "repaid" at a later time, nor will any personal expenses be reimbursed.

1.3 COMPUTER AND TELEPHONE

It is the general policy of the Council for all Council members to be immediately accessible, through electronic means, to the City's other elected and appointed officers and key employees in order to facilitate conduct of City business, response in emergency situations, etc. Consequently, Council members should have in operation at all times a computer and a smart phone, together with appropriate levels of voice and data service. A computer and smart phone will be issued by the City to each Council member for use during his/her term of office. Alternatively, a Council

member may opt to use his/her own smart phone and be reimbursed by the City via a uniform, City-approved monthly stipend paid through the City's payroll/reimbursement process.

Computer

(1) *City-Owned Computer*. A City-owned desktop, laptop, or tablet computer (Surface/iPad) (a "computer") will be provided at no charge to a Council member for use during his/her term of office.

(a) *De minimis* personal usage of such device is allowed by Council policy. Although the City's understanding is that the IRS currently considers such *de minimis* personal use of City equipment to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The City will provide one such device to an elected official during a four year term of office, unless the City determines that it is in the best interest of the City to upgrade its technology platforms, etc. from time to time.

(c) The City will provide IT support of the device. Software prohibited by the City's IT department or the Council's IT committee may not be downloaded onto the device.

(d) Any City-owned computer is subject to a search under GRAMA or other applicable law.

(2) *Privately-Owned Computer*. A privately owned computer may not be used to conduct City business.

“Smart Phone”

(1) *City-Owned Smart Phone*. A City-owned “smart phone” (iPhone; Android; etc.) (“smart phone”) will be provided at no charge to a Council member for use during his/her term of office. The monthly cost of providing voice and data service to such smart phone (per average City plan) will be paid by the City.

(a) *De minimis* personal usage of such device is allowed by Council policy. Although the City's understanding is that the IRS currently considers such *de minimis* personal use of City equipment to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The City will provide one such device to an elected official during a four year term of office, unless the City determines that it is in the best interest of the City to upgrade its technology platforms, etc. from time to time.

(c) The City will provide minimal IT support of the device. Maintenance and repairs will be completed based on the contract provider agreement. Software, apps, etc. prohibited by the City's IT department or the Council's IT committee may not be downloaded onto the device.

(d) Any City-owned smart phone is subject to a GRAMA search; consequently, there is no expectation of privacy for any City-owned device.

(2) *Privately-Owned Smart Phone*. A privately purchased smart phone is allowed to be

used to conduct City business. The City will pay a standard, City-approved stipend to reimburse the cost of purchasing and supplying voice/data plans to a privately-owned smart phone used to conduct City business. Until changed by the Council, the rate of reimbursement shall be \$1,200/per year, paid at the rate of \$100/month through the City's payroll/reimbursement process, adjustable annually based on what the City currently pays.

(a) The City intends to provide the stipend without tax consequences as a non-taxable fringe benefit because it meets the following rules: (i) the City needs to be able to contact the Council member at all times for work-related emergencies; and (ii) the City requires that the Council member be available to speak with constituents at times when he is away from the office or at times outside of the Council member's normal City work schedule. Although the City's understanding is that the IRS currently considers such a stipend to be a non-taxable fringe benefit, there is no guaranty of the accuracy of such understanding or that the IRS will not in the future change its view. All tax ramifications of such usage shall be borne by the Council member.

(b) The device purchased must meet compatibility requirements of the City.

(c) The Council member may purchase as many smart phones or as often as he deems appropriate for his/her individual needs; however, only one "smart phone" stipend shall be paid to each qualifying Council member.

(d) The City will provide IT support of a privately-owned device to the extent necessary to set up any email capabilities on the device that would simultaneously notify the Council member of an email sent to him/her through the City's email system, and such other software determined by the City to be necessary or advisable to conduct City business. However, there will be no City IT support of any hardware component of a privately-owned smart phone.

(e) Any privately-owned smart phone may be subject to a search under GRAMA or other applicable law.

POLICY #2—MEDIA RELATIONS

The Mayor is the official spokesman for the Council and for the City. Exceptions to this policy are law enforcement situations which are primarily the domain of the police department and the Manager who may speak on behalf of the City on routine matters. Those authorized to speak in behalf of the City may delegate this responsibility as deemed appropriate. Subject to the foregoing, the Mayor is responsible for representing the Council to the news media, and all media inquiries should be directed to the Mayor or, in the Mayor's absence, to the City's mayor pro tempore, or Mayor's designee. If the Mayor opposes the position of the Council on any particular matter, he/she may assign media interactions to a Council member representing the majority opinion of the Council. If a Council member chooses to speak to the media about any issue, he/she must make it clear that he/she is not speaking on behalf of the City or the Council. Any attempt by a Council member to initiate media coverage of a position contrary to that of the Council as determined by a vote of the Council should be preceded by a notice to the Mayor of the intent to do so. Likewise, any attempt by the Mayor to initiate media coverage of a position contrary to that of a majority of the Council as determined by a vote of the Council should be preceded by a notice to the Council of the intent to do so. Any interview by a Council member articulating a position contrary to that

of the Council as determined by a vote of the Council that is not initiated by the Council member should be reported to the Mayor immediately after the conclusion of the media interaction. Likewise, any interview by the Mayor articulating a position contrary to that of the Council as determined by a vote of the Council that is not initiated by the Mayor should be reported to the Council immediately after the conclusion of the media interaction.

POLICY #3—INTERACTION WITH CITY STAFF

Code section 2.20.090 provides that (a) no Council member shall interfere in any way with the performance by the Manager or the Manager’s subordinates of their duties, or (b) give orders to any subordinate of the Manager, either publicly or privately, but that (c) Council members may make suggestions and recommendations to the Manager.

Council members also may make information inquiries to department heads so long as responding to such request will not require a significant expenditure of staff time or City resources. All other requests shall be directed through the Manager, who is tasked with managing City staff and resources. For example, a request from a Council member to a department head concerning the status of a specific business license application (likely requiring the investment of only a few minutes of staff time to respond) may be permissible, while a request from a Council member to a department head requesting a special study of a number of business licenses (likely requiring the investment of significant staff time to respond) would require approval of the Manager. In the event of any uncertainty, Council members shall alert the Manager to any desired request to City staff, and shall copy the Manager on all communications with staff.

POLICY #4—COMMITTEE ASSIGNMENTS

(1) *Participation on “Outside” Boards, Commissions and Community Task Forces.* Pursuant to Code section 2.20.030(D) and applicable state law, the Mayor is charged with representing the City in all of its external relationships, such as the City’s participation on boards, commissions and community task forces involving other government entities (“*Outside Committees*”). The Mayor may from time to time delegate to a Council member, or remove a Council member from, representation of the City’s interests on one or more Outside Committees.

If the Council member accepts such assignment(s), (a) the Council member shall attend all meetings of the Outside Committee or notify the Mayor of any conflict as far in advance as reasonably possible, and (b) provide to the Council at its next work meeting a verbal or written report of the proceedings of such Outside Committee meeting after informing the City recorder to place such report on the agenda for that meeting. Council members serving on Outside Committees shall obtain Council approval before offering an official position of the City.

A Council member may retain any remuneration paid by the Outside Committee on a uniform basis to all of the Outside Committee's members for their service, if (a) such remuneration does not violate the Municipal Officers and Employees Ethics Act (UTAH CODE ANN. 10-3-1301 *et seq.*) or other applicable law; (b) such remuneration is first disclosed to the Mayor and Manager; and (c) the Council member who retains such remuneration does not request (nor shall such member be entitled to) any reimbursement from the City of out-of-pocket costs (such as travel expenses) relating to such Council member's service on the Outside Committee.

(2) *Liaison to City Advisory Committees*. Council members may also be appointed as liaisons to legislative advisory committees under Code section 2.30.180 and/or City advisory committees under Code chapter 2.140. To enhance citizen involvement on such internal City committees ("Inside Committees"), the Council liaison should limit his/her involvement to observation, facilitation and information exchange rather than control or direction of the Inside Committee. Assignment of a Council member as a liaison to either a legislative advisory committee under Code section 2.30.180 or a City advisory committee under Code chapter 2.140 shall be initiated by the Mayor and approved by a majority of the Council. With regard to an assignment to an Inside Committee, (a) the Council member shall attend all meetings of the Inside Committee or notify the Mayor (as to legislative advisory committees) or Manager (as to city advisory committees under Code chapter 2.140) of any conflict as far in advance as reasonably possible, and (b) provide to the Council at its next work meeting a verbal or written report of the proceedings of such Inside Committee meeting after informing the City recorder to place such report on the agenda for that meeting. Council members serving as liaisons to Inside Committees shall obtain Council approval before offering an official position of the City to such committee.

POLICY #5—CITY-INITIATED ACTIONS

City-initiated actions are those that are proposed, researched and sponsored by the City's elected officials and staff without a private party applicant. In the land use context, City-initiated actions most commonly will be amendments to the City's general plan or zoning map, creation of new land use ordinances or amendments to the existing Code. They may also include conditional and permitted use issues from time to time.

To reduce or eliminate potential conflicting views regarding the appropriateness and ripeness of an issue for City-initiated action, the following process should be followed to officially identify as City-initiated any material modification to the City's land use regimen. A similar process (with appropriate changes for proposed legislative action outside the land use context) is appropriate for City-initiated modifications of other portions of the Code.

(1) Any city officer or employee may recommend a City-initiated change to the City's land use regimen. In doing so, it is appropriate to explore the concept with other appropriate officers or employees in contemplation of presenting the concept to the Council. Once the concept has been sufficiently vetted, the officer or employee would present the concept to the Council for validation and authorization to further pursue the concept.

(2) Upon validation by the Council, the City's planning director would present the conceptual outline of the City-initiated action for review, as appropriate, by:

- (a) The City's Development Review Committee (the "DRC");
- (b) The City attorney; and
- (c) Appropriate staff.

(3) After receiving recommendations on the conceptual outline from the DRC, the City attorney and any appropriate staff, the planning director would then formulate a memorandum to the Manager which:

- (a) Presents the recommendations from the DRC, the City attorney and other staff;
- (b) Outlines the perceived advantages and disadvantages of pursuing the proposed action; and
- (c) Proposes a timeframe for pursuing the proposed action and identifies the anticipated resulting impact on current staffing.

(4) After discussing the matter with the Manager and Mayor, the planning director would prepare for review by the Council a draft outline of the work to be done, the anticipated effect of the action on the City and the perceived advantages and disadvantages. That information would be formally presented to the Council in a designated work session.

(5) After the Council receives and reviews such information from the planning director, the Council may:

- (a) Grant approval to proceed with the recommended course of action as outlined in the conceptual discussion;
- (b) Grant approval to proceed with a modified course of action;
- (c) Request further information prior to making a decision; or
- (d) Deny the request to further pursue the proposed City-initiated action.

(6) Once approved by the Council, the planning director would follow appropriate steps to present the proposed City-initiated action to the planning commission along with any Council recommendations for public disclosure and involvement.

(7) The foregoing procedure is an internal policy of the Council and the City's administration. Although failure to comply with this policy may constitute grounds for internal disciplinary proceedings against any City officer or employee alleged to have violated it, any such failure shall not constitute grounds for invalidating any related action taken by the city's Council, planning commission, or other public body or office that otherwise complies with applicable City ordinances and Utah statutes, including, without limitation, Code Title 19 and the Municipal Land Use, Development, and Management Act, UTAH CODE ANN. 10-9a-101 *et seq.*

POLICY #6—TRANSITION TO COUNCIL OFFICE FOLLOWING MUNICIPAL ELECTIONS

A Council member who is leaving office shall deliver any City-owned equipment to the Manager or designee no later than noon on the day that new elected officials of the City take their oath of office. City-owned property includes, but is not limited to, computers, smart phones, software, office keys, City identification, etc. Council members who are leaving office must meet with the Manager or designee to complete and sign a separation checklist before receiving their final paychecks. As soon as practical after the elected officials of the City take their oath of office, Council staff shall arrange for City-owned property to be distributed to the new Council member(s).

POLICY #7—AMENDMENT TO COUNCIL INTERNAL POLICIES

Any Council member may propose amendments, revisions or additions (an “*amendment*”) to these internal policies, which may be approved by resolution in a business meeting of the Council.

POLICY # 8—PROCEDURES FOR PUBLIC COMMENT AT CITY COUNCIL MEETINGS

Although the Council desires to protect the privacy of members of the public speaking during public comment portions of Council meetings (“*speakers*”), the Council also believes that obtaining certain limited information from each speaker will enhance his/her remarks by informing the Council if the speaker is a City resident; what Council district the speaker resides in; what group the speaker represents; and how to contact the speaker after the meeting to discuss the speaker’s remarks and any follow-up matters. Consequently:

- (1) All those attending a Council meeting should sign the attendance log (the “*log*”);
- (2) Before addressing the Council, each proposed speaker shall complete a “*Request to Speak at City Council Meeting*” card (a “*speaker’s card*”) in the attached form and hand the completed speaker’s card to the City recorder. The City recorder shall organize the cards by topic and deliver them to the Mayor or mayor pro tempore, who typically will call those who submitted completed speaker’s cards to address the Council at the appropriate place in the meeting. The Mayor or mayor pro tempore should explain this process to the public at the beginning of each Council meeting.

(3) Personal information such as addresses, telephone numbers, email addresses, etc. provided by citizens in completing the log or a speaker's card is classified as protected information under the Government Records Access and Management Act (GRAMA, UTAH CODE ANN. 63G-2-101 et seq. (GRAMA), which would be redacted before public disclosure of the log or the speaker's card absent court order to the contrary.

POLICY # 9—CREATING AGENDAS FOR COUNCIL MEETINGS

(1) The Mayor is statutorily charged with setting the agenda for Council meetings.

(2) Any Council member, with the consent of at least one other Council member (including the Mayor), may request an item be added to an agenda for an upcoming Council meeting whose agenda has not already been finalized and posted.

POLICY # 10—CITY COUNCIL CONDUCT

This policy is designed to illustrate the optimal recommended manner in which Council members should treat one another, City staff, constituents, and others with whom they come in contact while representing the City. The consistent theme of this guiding principle is “respect.” Demonstrating respect for each individual through words and actions is the model that can help guide Council members to try and do the appropriate thing in even the most difficult situations.

The City’s elected and appointed officials and staff include individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, all have chosen to serve the public in Cottonwood Heights in order to preserve, protect and enhance the community’s present and future. In all cases, this common purpose should be acknowledged even though individuals may “agree to disagree” on contentious issues.

(1) *Interactions With Council Members*. Elected and appointed officials should try and refer to one another formally during business meetings and other public hearings, such as Mayor, Mayor Pro Tem, or Council member followed by the individual’s last name.

Civility and decorum should be applied in all discussions and debate. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. Public officials are encouraged to refrain from making belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. Shouting or physical actions that could be construed as threatening are not appropriate. Recording by any means of conversations with, between or among any elected official(s) of the City outside

of a public meeting without the prior express consent of all the City elected officials participating in the meeting is not appropriate and may violate the Interception of Communications Act, UTAH CODE ANN. 77-23a-1 et seq.

Honor the role of the Mayor or chair in maintaining order. It is the responsibility of the Mayor or chair to try and keep the comments of members on track during public meetings. Members should honor efforts by the Mayor or chair to focus discussion on current agenda items. If there is disagreement about the agenda or the Mayor's or chair's actions, those objections should be voiced politely and with reason, following normal parliamentary procedure when appropriate. Avoid personal comments that could offend other members.

(2) *Interactions With Appointed Officials and City Staff.* Governance of a city relies on the cooperative efforts of elected officials who set policy, appointed officials who advise the elected, and City staff who implements and administers the Council's policies. Every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community. Council members should treat all appointed officials and staff as professionals. Clear, honest communication that respects the abilities, experience, and dignity of each individual should be expected. Comments about performance of an appointed official or staff member should only be made to the Manager through private correspondence or private conversation.

As a matter of courtesy, Council members and the Mayor should respond to emails and voicemail messages within 24 to 48 hours. If a detailed response is not possible within 24-48 hours the Council member or Mayor should acknowledge the email or voicemail with a response indicating when they will be able to fully respond.

(3) *Interactions in Public Meetings.* Making the public feel welcome is an important part of the democratic process. Every effort should be made to be fair and impartial in listening to public testimony. Be welcoming to speakers and treat them with care and gentleness. While questions of clarification may be asked, the Council member's primary role during public testimony is to listen. At the beginning of each public meeting, the chair should remind those participating that respect for all opinions is required and no applauding, cheering, booing or background remarks will be tolerated.

POLICY # 11—CITY COUNCIL ATTENDANCE

The purpose of this policy is to recognize the importance of attending meetings and the significant impact when meetings are missed. Attendance at the Council's scheduled meetings assures that the decision making and public policies of the City are carried out with participation of the full body of the Council. A Council member's absence negatively impacts the conduct of Council business. If possible, please be considerate and notify the Mayor, meeting chair, or Manager if you

will be absent. The Mayor and Council recognize that emergencies will happen that require immediate and sudden departure.

POLICY # 12 — CLOSED MEETINGS

The purpose of this policy is to provide guidelines for closed meetings (“closed meetings”) of the Council and for Council members’ actions related to such closed meetings.

(1) Purposes of Closed Meetings.

(a) The Council may hold closed meetings only for the limited purposes specified in Section 52-4-205 (“Section 205”) of the Open and Public Meetings Act, UTAH CODE ANN. 52-4-101 *et seq.* (the “OPMA”). A closed meeting is not allowed unless each matter discussed in the closed meeting is permitted under Section 205.

(b) An ordinance, resolution, rule, contract or appointment may not be approved in a closed meeting.

(c) In a closed meeting the Council may not:

(i) Interview a person applying to fill an elected position;

(ii) Discuss filling a midterm vacancy or temporary absence governed by UTAH CODE ANN. Title 20A, Chapter 1, Part 5, “Candidate Vacancy and Vacancy and Temporary Absence in Elected Office.”

(d) The Council may not take a vote in a closed meeting except a vote on a motion to end the closed portion of the meeting and return to an open meeting, which must be approved by a majority of the Council members present at the meeting.

(2) Convening a Closed Meeting.

(a) A closed meeting may be held only if:

(i) A quorum of the Council is present;

(ii) The meeting is an open meeting for which public notice has been given as required by the OPMA; and

(iii) Either:

(A) Two-thirds of the members of the Council present at the open meeting vote to approve closing the meeting, or

(B) A majority of the members of the Council present at the open meeting vote to approve closing the meeting if the meeting was required to be closed under Section 205.

(b) The following information shall be publicly announced and entered on the minutes of the open meeting at which the closed meeting was approved:

(i) the reason(s) for holding the closed meeting;

(ii) the location of the closed meeting; and

(iii) the vote, by name, of each member of the Council either for or against

the motion to hold the closed meeting.

(3) Record of a Closed Meeting: Required Confidentiality.

(a) Required records.

(i) Except to the extent that a meeting is closed for the purposes described in OPMA Subsections 52-4-205(1)(a) (i.e., discussion of the character, professional competence, or physical or mental health of an individual), 52-4-205(1)(f) (i.e., discussion regarding deployment of security personnel, devices or systems), or 52-4-205(2) (required closed meetings), the City's recorder shall cause the closed meeting to be recorded and may keep detailed written minutes that disclose the content of the closed meeting.

(ii) A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting though its adjournment. The recording and any minutes of a closed meeting shall include its date, time and place; the names of the Council members present and absent; and the names of all others present unless such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the meeting.

(iii) A recording, transcript, report or written minutes of a closed meeting are protected records under GRAMA and OPMA Section 52-4-206.

(iv) If the Council closes a meeting under OPMA Subsections 52-4-205(1)(a), 52-4-205(1)(f) or 52-4-205(2) (the “*permitted purposes*”), then (A) the person presiding at the closed meeting shall sign a sworn statement affirming that the sole purpose for closing the meeting was to discuss one or more of the permitted purposes, and (B) the requirements of Section 3(a)(i) above are inapplicable.

(v) Required records of a closed meeting shall be available for review (but not duplication) by Council members following the meeting while in the presence of the City recorder.

(b) Prohibited records.

(i) To assure the confidentiality of discussions occurring in a closed meeting, except for records of a closed meeting kept by the city recorder or designee under Section 3(a)(i) above there shall be no recording, transcription, report, minutes, or notes kept, maintained or generated by any means (and whether during or after a closed session) concerning a closed session of the Council.

(ii) Without limiting the generality of Section 3(b)(i) above, no Council member shall record (by any type of recording device) (a “*recording*”) or make any written record (such as reports, transcriptions, minutes or notes) (a “*written record*”) of the discussions or proceedings in a closed session, whether during or after that closed session and whether or not such recording or written record is for the member’s personal use.

(c) Closed meeting violations. The following shall be deemed closed meeting violations under OPMA Section 52-4-305 and this Policy #12, subjecting the violator to all applicable penalties:

(i) Failure by a Council member or other participant in a closed meeting to maintain the strict confidentiality of the discussions in the closed meeting except to the extent authorized by a majority of the Council members in the closed meeting to effect the results of those discussions (such as authorized feedback to a city officer or employee following a closed session discussion concerning their professional competence);

(ii) Any making or dissemination of a recording or a written record of a closed meeting by a Council member or other participant of that meeting.

