

**OAKLEY CITY, UTAH
RESOLUTION 2024-05**

**A RESOLUTION OF THE OAKLEY CITY COUNCIL ADOPTING A PRIVACY SPACE COMPLIANCE
PLAN**

WHEREAS, The Oakley City Council met on November 20, 2024, to consider, among other things, approving a resolution adopting a privacy space compliance plan; and

WHEREAS, the 2024 Utah State Legislature adopted H.B. 257 that required among other things that each government entity must adopt a privacy compliance plan to address compliance with government entity's duties under Chapter 31 of Utah Code Annotated Title 63G, and

WHEREAS, staff has submitted a proposed privacy compliance plan ("Privacy Compliance Plan") a copy of which is attached hereto; and

WHEREAS, the City Council of Oakley has determined that it is in the best interest of the inhabitants of Oakley City to adopt the Privacy Compliance Plan.

NOW, THEREFORE, BE IT RESOLVED that the Privacy Compliance Plan is hereby approved and adopted as the privacy compliance plan pursuant to the requirements of in Chapter 31 of Utah Code Annotated Title 63G.

This Resolution No. 2024-05 shall take effect immediately on passage.

PASSED AND APPROVED by the Oakley City Council this 20th day of November 2024.

Roll Call Vote:

	Aye	Nay	Abstain	Absent
J. Frazier	☒	☐	☐	☐
K. Kimber	☒	☐	☐	☐
D. Neff	☒	☐	☐	☐
T. Smart	☒	☐	☐	☐
S. Wilmoth	☒	☐	☐	☐

By: 
Zane K. Woolstenhulme, Mayor

ATTEST:


Amy Rydalch, City Recorder



PRIVACY SPACE COMPLIANCE PLAN

PURSUANT TO:

UTAH CODE ANN. 63G-31-302 individuals generally may only access sex designated changing rooms located in a government entity's facility that are open to the general public if: (a) the individual's sex corresponds with the sex designation of the changing room, or (b) the individual has legally amended their birth certificate and undergone a primary sex characteristic surgical procedure to correspond with the sex designation of the changing room; and

UTAH CODE ANN. 63G-31-303 the availability of unisex facilities or single-occupant facilities satisfies a government entity's obligations regarding a safe space for an individual.

UTAH CODE ANN. 63G-31-304, each government entity must adopt a privacy compliance plan to address compliance with the government entity's duties under Chapter 31 of Utah Code Annotated Title 63G.

Consequently, the following is a draft/proposed Privacy Compliance Plan for Oakley City regarding the requirements referred to in the UCA 63G-31:

Section 1. **City Staff Response.** The City hereby informs its employees to report any complaint they receive alleging that an individual has engaged in one or more of the following criminal offenses in a "sex designated" "privacy space" in a "facility" located within the City, as those terms are defined in Utah Code ANN. 63G-31-101 to the Summit County Sheriff's Department through either the emergency or non-emergency dispatch services:

- Lewdness under UTAH CODE ANN. 76-9-702
- Lewdness under UTAH CODE ANN. 76-9-702.5;
- Voyeurism under UTAH CODE ANN. 76-9-702.7;
- Loitering in a privacy space under UTAH CODE ANN. 76-9-702.8; and/or
- Criminal trespass in a changing room under UTAH CODE ANN. 63G-31-302(3).

Section 2. **Law Enforcement Response.** If Summit County Sheriff's Department receives a complaint or allegation that an individual has: (a) engaged in one of the criminal offenses listed in Section 1 while in a government entity facility located in the City, or (b) has otherwise violated Chapter 31 of UTAH CODE ANN. TITLE 63G while in a government entity facility located in the City, an appropriate call priority will be assigned and the complaint will be handled in accordance with the Summit County Sheriff's policies and procedures.

Section 3. **New Facility Construction.** As required by UTAH CODE ANN. 63G-31-304, the City will ensure that any City facilities constructed after May 1, 2024, include at least one single-occupant facility, as defined in UTAH CODE ANN. 63G-31-101.

Section 4. **Existing Facilities.** The City shall consider the feasibility of retrofitting or remodeling the facilities it owns or controls that include privacy spaces (as defined in UTAH STATE CODE ANN. 63G-31-101) to include features to increase individual privacy, such as floor-to-ceiling walls and doors or similar privacy protections, curtains or other similar methods of improving individual privacy within privacy spaces.

Section 5. **Unisex Facilities.** The City shall ensure sufficient sex-designated privacy spaces through compliance with UTAH CODE ANN. 15A-3-112 AND 15A-3-304 regarding unisex facilities (as defined in UTAH CODE ANN. 63G-31-101).