

ORDINANCE NO. 2009-2
Series of 2009

AN ORDINANCE OF THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO GRANTING EXECUTIVE SESSION AUTHORITY TO THE OPHIR PLANNING AND ZONING AND OPEN SPACE COMMISSIONS, AND TO THE OPHIR GENERAL ASSEMBLY.

WHEREAS, the Planning and Zoning and Open Space Commissions are duly constituted Town of Ophir entities; and

WHEREAS, General Assembly desires to permit itself and these entities to conduct executive sessions to the extent authorized by ordinance;

NOW, THEREFORE, BE IT ORDAINED BY THE GENERAL ASSEMBLY OF THE TOWN OF OPHIR, COLORADO, as follows:

Section 1.

The Ophir General Assembly, the Ophir Planning and Zoning Commission, and the Ophir Open Space Commission are hereby authorized to conduct executive sessions during regular, special or emergency meetings, for all purposes enumerated by the Colorado Open Meetings Law, C.R.S. 24-6-401, et seq., as amended. Said purposes include:

A. The purchase, acquisition, lease, transfer, or sale of any real, personal, or other property interest; except that no executive session shall be held for the purpose of concealing the fact that a Commission or General Assembly member has a personal interest in such purchase, acquisition, lease, transfer, or sale;

B. Conferences with an attorney for the local public body for the purposes of receiving legal advice on specific legal questions. Mere presence or participation of an attorney at an executive session of the local public body is not sufficient.

C. Matters required to be kept confidential by federal or state law or rules and regulations. The local public body shall announce the specific citation of the statutes or rules that are the basis for such confidentiality before holding the executive session.

D. Specialized details of security arrangements or investigations, including defenses against terrorism, both domestic and foreign, and including where disclosure of the matters discussed might reveal information that could be used for the purpose of committing, or avoiding prosecution for, a violation of the law;

E. Determining positions relative to matters that may be subject to negotiations; developing strategy for negotiations; and instructing negotiators;

F. Personnel matters except if the employee who is the subject of the session has requested an open meeting, or if the personnel matter involves more than one employee, all of the employees have requested an open meeting.

Said sessions shall be conducted in accordance the standards set forth in Section 2 below.

Section 2.

All Commission and General Assembly meetings shall be in an open and public setting, except that executive sessions may be convened pursuant to the following standards:

A. The subject matter of any executive session of the Planning and Zoning or Open Space Commissions shall be limited to Attorney/Client communications with an attorney engaged by the Town of Ophir.

B. Attendance at executive sessions shall be restricted to members of the Commissions herein identified, or the General Assembly, as the case may be, designated Town staff, negotiators, and such individuals as the Commission members or General Assembly deem necessary for professional advice and information. Members with conflict of interest in the subject matter of discussion shall be excluded from executive sessions.

C. In addition, the following procedures shall be followed in the conduct of executive sessions:

1. The proposed topic of discussion shall be announced in any motion to convene into executive session and the legal authority under the Open Meetings Law, as amended, shall be cited.

2. Two-thirds of the quorum present shall affirmatively vote to convene into executive session.

3. During executive sessions, the Commission chairperson, or Mayor, shall immediately terminate any discussions falling outside the authorized scope of the executive session.

4. Electronic tape recording of the executive session shall be made unless, in the opinion of the attorney engaged by the Town of Ophir and who is in attendance (physically or by telephone) at an executive session that has been properly announced, all or a portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record or electronic recording shall be required to be kept of the part of the discussion that constitutes a privileged attorney-client communication.

5. Upon recessing from Executive Session, the general topic of discussion shall be stated for the minutes. Minutes shall reflect the topic of discussion.

6. No proposed policy, position, resolution, rule, regulation or final action shall be adopted or taken during executive session.

Section 3.

This ordinance shall not have any effect on the other duties and authorities of the Planning and Zoning Commission, the Open Space Commission, or the General Assembly.

Section 4.

The provisions of this ordinance are severable and the invalidity of any section, phrase, clause or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 5.

This ordinance shall become effective upon the date of publication of notice of its passage in a newspaper of general circulation within the Town of Ophir.

Section 6.

A public hearing on this ordinance shall be held on the 19th day of May, 2009, in the course of the regular meeting of the Ophir General Assembly.

INTRODUCED, READ AND REFERRED to public hearing before the General Assembly of the Town of Ophir, Colorado on the 21st day of April, 2009.

TOWN OF OPHIR

ATTEST

By: Randy Barnes
Mayor

Rhonda Claike
Town Clerk

HEARD AND FINALLY ADOPTED by the General Assembly of the Town of Ophir, Colorado this 19th day of May 2009.

TOWN OF OPHIR

ATTEST

By: Randy Barnes
Mayor

Rhonda Claike
Town Clerk