

**TOWN OF TIMNATH**  
**ORDINANCE NO. 10-2006**

**AN ORDINANCE OF THE TOWN OF TIMNATH, COLORADO,  
AMENDING CHAPTER 2, ARTICLE II, OF THE *TIMNATH  
MUNICIPAL CODE* REGARDING THE RECORDING OF  
DISCUSSIONS OCCURRING IN AN EXECUTIVE SESSION OF  
THE BOARD OF TRUSTEES.**

**WHEREAS**, the 2001 General Assembly in the adoption of House Bill 01-1359 provided that discussions occurring in an executive session of a state public body shall be recorded in the same manner and media that the public body uses to record the minutes of open meetings; and

**WHEREAS**, it is the intent of the Board of Trustees of Town of Timnath to comply with the intent of House Bill 01-1359 by requiring the electronic recording of all executive sessions Board of Trustees and the maintenance of said recording for a period not to exceed 90 days following the date of the executive session.

**BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF TIMNATH, COLORADO, AS FOLLOWS:**

**Section 1.** Chapter 2, Article I, of the Timnath Municipal Code is hereby amended by the addition of Section 2.7 to read as follows:

“Sec. 2.7.        Electronic Recording of Discussions Occurring in Executive Session.

A.        Discussions that occur in an executive session of the Board of Trustees shall be electronically recorded in the same manner that is used to record the minutes of open meetings. The electronic recording of the executive session shall be retained by the Town Attorney, or if the Town Attorney is the subject of the executive session or otherwise did not participate in the executive session, the electronic recording shall be maintained by the presiding officer, as the official custodian for such public record, for a period not to exceed 90 days. In the event an application to District Court for *in camera review* of the record has not been made within 90 days of the date of the executive session, the custodian of the record shall destroy the record by appropriate means.

B.        If, in the opinion of the attorney representing the Town and who is in attendance at the executive session, all or portion of the discussion during the executive session constitutes a privileged attorney-client communication, no record shall be kept of the part of discussion that constitutes privileged attorney-client communication. The electronic record of said executive session discussion shall reflect that no further record was kept of the discussion based on the opinion of the attorney representing the Town, as stated for the record during the executive session, that the discussion constitutes a privileged attorney-client communication.

C.        Executive session minutes recorded electronically shall stand approved with no further action necessary.

D.        No portion of the record of an executive session shall be open for public inspection or subject to discovery in any administrative or judicial proceeding, except upon the consent of the Board of Trustees, or as a provided by law.”

**Section 2. Effective Date.** This ordinance shall be published and become effective as provided by law.


**Section 3. Repealer.** All other ordinances or portions thereof inconsistent or conflicting with this ordinance are hereby repealed to the extent of such inconsistency or conflict.

**Section 4. Severability.** If any article, section, paragraph, sentence, clause or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Board of Trustees hereby declares that it would have passed this Ordinance and each part or parts hereof irrespective of the fact that any one part or parts be declared unconstitutional or invalid.

**Section 5. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, ADOPTED AND ORDERED PUBLISHED this 21st day of June, 2006.**



  
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Donna Benson, Mayor

**ATTEST:**

  
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Linda Thompson, Town Clerk