TO: Mayor Alvarez and Town Council Members

FROM: Kelley Southward, Town Clerk

DATE: March 22, 2016

SUBJECT: Closed Session Policy

During the February 11, 2016 Regular Meeting Council reviewed the Policy Procedure for Closed Session and ultimately approved a revision that removed 1.5 sentences from the first bullet point during the meeting. Staff was directed to make the changes, as approved, and place the revised copy of the policy on a future meeting consent agenda.

Included in the Council's packets is a mark-up copy of the revised policy as well as a clean copy of the revised policy.

POLICY PROCEDURE FOR CLOSED SESSION

In addition to Rule 26 of the Ordinance Revising the Rules of Procedure adopted by the Indian Trail Town Council on March 10, 2009, the following shall apply to Closed Session meetings of the Town Council:

- All audio recordings and minutes of Closed Session belong to the Council as a whole. The Town Council hereby authorizes any currently serving member of the Town Council, including the Mayor, to review the closed session minutes ~~for meetings taking place~~ during their term of office. ~~The closed session minutes cannot otherwise be viewed or listened to without the approval of a majority of the Indian Trail Town Council by vote taken in open session~~. The Town Manager, Town Attorney, and Town Clerk may review these items as it pertains to fulfilling their duties to the elected body. All Closed Session discussions and materials are confidential information, until the information is released to the public.

- Audio recordings or written minutes (draft or approved) will not be removed from Town-owned buildings. Audio recordings or written minutes must be reviewed in the presence of the Town Manager, Town Attorney or Town Clerk during regular business hours, or at such other time as agreed to by the Town Manager if the review cannot be conducted during regular business hours.

- After a Closed Session is recessed, the draft minutes for that meeting will be presented to the elected body for review at the next called Closed Session. This review of the minutes will always be the first agenda item in Closed Session. Each Council Member and Mayor shall initial the draft minutes indicating they have been read and returned to the Town Manager, Town Attorney or Town Clerk at that same meeting. The

Closed Session agenda will not proceed until all Closed Session minutes are accounted for by the Clerk of that meeting.

- If the elected body requests amendments to the minutes, they can either request the minutes be resubmitted at the next Closed Session for approval with the modifications or they may motion to approve as modified with direction to staff to make changes. The Clerk shall include the modifications in the approved minutes and submit for signature before the next Council meeting.

- Upon Council approval of the minutes, all recordings and notes shall be destroyed by the Clerk after holding those records for one-year. The elected body may give direction to the Town Clerk to keep the records for a time greater than one-year.

- At all times, the Town Clerk will ensure that the Closed Session minutes will be stored in a space that does not have access by other Town staff, or the public.

- All Closed Session minutes must be signed by the Mayor or Mayor Pro-Tem in the presence of the Town Manager, Town Attorney or Town Clerk prior to the subsequent Town Council meeting.

Policy first approved October 12, 2010

Revised by Council February 11, 2016

APPROVED:_____
Michael L. Alvarez, Mayor

Attest:_____
Kelley Southward, Town Clerk

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