

**CITY OF PACIFIC GROVE
CITY COUNCIL POLICY**

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Voice Recording of Council Meetings	000-18	May 4, 2005	1 of 2

I. GENERAL

The City of Pacific Grove shall maintain voice records of City Council meetings. This Policy shall guide the creation and retention of those recordings.

II. VOICE RECORDING OF COUNCIL MEETINGS (OPEN SESSION)

- A. Voice records shall be made of each open session meeting of the City Council.
- B. Each voice record of an open City Council meeting shall be immediately and clearly labeled to show the date and time for the meeting. The master voice record may be copied from time to time, upon request pursuant to the Public Records Act, but the master record shall remain under the control of the City Clerk.
- C. City Council voice records created under this Policy shall be retained and/or destroyed in accord with the Records Retention Schedule that applies to all official City documents.

III. VOICE RECORDING OF COUNCIL MEETINGS (CLOSED SESSION)

- A. Voice records shall be made of each closed session meeting of the City Council, excepting closed sessions during which the Council will consider the appointment of a City Employee in accord with Government Code section 54957, for which no recording shall be made.
- B. Each voice record of a closed session meeting of the City Council shall be immediately and clearly labeled to show the date and time for the meeting. The label shall further indicate that the record is of a closed session, and shall state that the City Clerk is the custodian of the record. The master closed session voice record shall not be copied and shall remain under the control of the City Clerk, who shall take appropriate steps to ensure the security and confidentiality of that record.
- C. The closed session voice record shall not be disclosable under the Public Records Act. The sole individuals who may listen to the closed session voice record without court order shall be: a) the incumbent Mayor, b) an incumbent Council

Member, c) the incumbent City Manager, and/or the incumbent City Attorney. These individual shall not be allowed to make a copy of the closed session voice record.

- D. A court order may be sought to enable discovery or disclosure of the closed session voice record by either the district attorney or the plaintiff in a civil action pursuant to Government Code sections 54959, 54960, or 54960.1 upon allegation that a violation of the Brown Act has occurred in that closed session. The party seeking discovery or disclosure shall file written notice of the motion with the appropriate court and provide notice to the City of Pacific Grove. The notice shall be made in accord with Government Code section 54960 and sections 1005 and 1010 of the Code of Civil Procedure. Further, the notice shall identify the proceeding in which discovery or disclosure is sought, the date and time of the meeting recorded, and include an affidavit setting forth specific facts upon which it is alleged that a violation of the Brown Act did occur.
- E. Discovery or disclosure shall occur only as provided by the court, in accord with Government Code section 54960. The court, in authorizing discovery or disclosure may review, in camera, the voice recording of the closed session alleged to have been in violation of the Brown Act. Discovery, if authorized by the court, shall be by certified transcript of the voice recording.
- F. Closed session voice records created under this Policy shall be retained and/or destroyed in accord with the Records Retention Schedule that applies to all official City documents.

Adopted: May 4, 2005
Resolution No.: 5-012